COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
"To Enrich Lives Through Effective and Caring Service"
900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
http://dpw.lacounty.gov

GAIL FARBER, Director

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

ADOPTED
BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES
39 August 4, 2015
PATRICK OGAWA
ACTING EXECUTIVE OFFICER

August 04, 2015

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**USE AGREEMENT AND GRANT OF EASEMENT
FROM THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT
PRIVATE DRAIN NO. T395–PARCEL 1GE, ET AL.
IN THE CITY OF DIAMOND BAR
(SUPERVISORIAL DISTRICT 4)
(3 VOTES)**

SUBJECT

This action is to approve a use agreement for public recreational purposes between the Los Angeles County Flood Control District and the City of Diamond Bar and approve a grant of easement to the City of Diamond Bar for public street and slope purposes over Private Drain No. T395 in the City of Diamond Bar.

IT IS RECOMMENDED THAT THE BOARD ACTING AS THE GOVERNING BODY OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT:

1. Find that the use agreement is categorically exempt from the California Environmental Quality Act.

2. Acting as a responsible agency for the proposed public street widening and slope project, consider the Final Environmental Impact Report and Addendum for the Site D Specific Plan prepared and certified by the City of Diamond Bar as lead agency; certify that the Board has independently considered and reached its own conclusions regarding the environmental effects of the project as shown in the Final Environmental Impact Report; adopt the Mitigation Monitoring Program, finding that the Mitigation Monitoring Program is adequately designed to ensure compliance with the mitigation measures during project implementation; find that there are no further feasible alternatives or feasible mitigation measures within the Board's power that would substantially lessen or avoid any significant effect the project would have on the environment; and determine that the significant

adverse effects of the project have been reduced to an acceptable level.

3. Find that the use agreement between the Los Angeles County Flood Control District and the City of Diamond Bar, with a term of 25 years, for public recreational purposes along a portion of Private Drain No. T395, Assessor's Identification No. 8714-014-900, et al., in the City of Diamond Bar, will not interfere or be inconsistent with the primary use and purposes of the land and facilities of the Los Angeles County Flood Control District.

4. Find that the grant of easement from the Los Angeles County Flood Control District in favor of the City of Diamond Bar for public street and slope purposes and subsequent use of that easement will not interfere with the use and purposes of the Los Angeles County Flood Control District.

5. Approve the grant of easement from the Los Angeles County Flood Control District to the City of Diamond Bar for Private Drain No. T395 Parcels 1GE and 1GE.1 for $10,950.

6. Delegate authority to the Chief Engineer of the Los Angeles County Flood Control District or her designee to sign the use agreement, execute the Easement document, and authorize delivery of both the Easement document and the use agreement to the City of Diamond Bar.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended actions is to obtain approval from the Board, acting as the governing body of the Los Angeles County Flood Control District (LACFCD), to enter into a use agreement between the LACFCD and the City of Diamond Bar (City) for use of the LACFCD right of way along portions of Private Drain No. T395, Assessor's Identification Nos. 8714-014-900, 8714-015-900, 8714-017-900, and 8714-019-900, located within the City, for public recreational purposes. The City proposes to construct, operate, and maintain a walking trail and a pedestrian bridge along with minor drought resistant landscaping, fencing, and signage in connection with the City's Crooked Creek Trail Project. The use agreement to be executed will be substantially the same form as enclosed (Enclosure A).

This action will also approve a grant of an easement in favor of the City for the widening of Diamond Bar Boulevard over Private Drain No. T395, affecting Parcels 1GE and 1GE.1, southeast of the intersection of Brea Canyon Road.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provision of Operational Effectiveness/Fiscal Sustainability (Goal 1). The improvements will enhance flood control aesthetics and provide public recreational opportunities in the area, thereby improving the quality of life for the residents of the City and the County of Los Angeles. The revenue received from this transaction will help promote fiscal sustainability for the operation and maintenance of flood control facilities.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

There will be no monetary consideration paid for this use agreement since the use of the LACFCD right of way is for public recreational purposes. The Los Angeles County Flood Control Act provides for the LACFCD right of way to be used for these purposes as long as the public recreational

purposes are compatible with the LACFCD's use of the property for flood control.

The cost of the easement in the amount of $10,950 represents its fair market value. This amount has been paid and deposited into the Flood Control District Fund.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The Private Drain No. T395 parcels affected by the use agreement are located south of Diamond Bar Boulevard to the southerly City boundary mostly along the easterly portion of the LACFCD right of way.

The use agreement is for a term of 25 years and is authorized pursuant to Section 2, subsection 14, of the Los Angeles County Flood Control Act. This Section authorizes the LACFCD…"To provide, by agreement with other public agencies…for the recreational use of the lands, facilities, and works of such district, which shall not interfere or be inconsistent, with the primary use and purpose of such lands, facilities, and works by such district."

Parcels 1GE and 1GE.1, the easement parcels, are located immediately south of Diamond Bar Boulevard, east of Brea Canyon Boulevard, over Private Drain No. T395.

The proposed grant of easement is authorized by Section 2, subsection 13, of the Los Angeles County Flood Control Act. This Section provides as follows: "The Los Angeles County Flood Control District hereby declared to be a body corporate and politic, and as such shall have the power...13. To lease, sell or dispose of any property (or any interest therein) whenever in the judgment of the board of supervisors said property, or any interest therein or part thereof, is no longer required for the purposes of the district or may be leased for any purpose without interfering with the use of the same for the purposes of said district..."

The grant of this easement is not considered adverse to the LACFCD and will not hinder the use of Private Drain No. T395 for possible transportation, utility, or recreational corridors. Moreover, the Easement document reserves paramount rights for LACFCD's purposes.

County Counsel will approve the use agreement and Easement document as to form, and subsequent to the action on this matter and execution by the Chief Engineer of the LACFCD or her designee, the Easement document will be recorded.

ENVIRONMENTAL DOCUMENTATION

The use agreement is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Sections 15301, 15303, and 15304 of the CEQA Guidelines, and Classes 1, 3, and 4 of the Environmental Reporting Procedures and Guidelines previously adopted by the Board. These exemptions provide for minor alteration of existing facilities, new construction of small structures, and minor alterations to land.

In executing the Easement document, the County is acting as a responsible agency for the Diamond Bar Boulevard widening project. The City, as lead agency, certified a Final Environmental Impact Report (FEIR) (Enclosure B) for the Site D Specific Plan dated February 21, 2012. The Department of Public Works has determined that the proposed project is within the scope of the project analyzed in the FEIR. The recommended actions will not have a significant effect on the environment. The Board action will adopt the Mitigation Monitoring Program (Enclosure C) and apply the applicable

mitigation measures included in the Site D Specific Plan FEIR pertinent to the proposed project, which will ensure that any environmental effect of the project will remain below the level of significance.

Upon the Board's approval of the project, Public Works will file a Notice of Determination with the office of the Registrar-Recorder/County Clerk of the County in accordance with Section 21152(a) of the California Public Resources Code and pay the required processing fee with the County Clerk in the amount of $75.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

This action allows for joint use and enjoyment of the LACFCD right of way without interfering with the primary mission of the LACFCD.

CONCLUSION

Please return one adopted copy of this letter to the Department of Public Works, Survey/Mapping & Property Management Division.

Respectfully submitted,

Gail Farber

GAIL FARBER
Director

GF:SGS:tw

Enclosures

c: Auditor-Controller (Accounting Division - Asset Management)
Chief Executive Office (Rochelle Goff)
County Counsel
Executive Office

Enclosure A

Use Agreement No. 15-17
Project Name Private Drain No. T395/Brea Canyon Channel
Tract Map No. 27577, Lots 76, 77, 78, and 79
Assessor's Identification Nos. 8714-014-900, 8714-015-900, 8714-017-900, and 8714-019-900
Thomas Guide page/grid 679-G7
Supervisorial District 4

USE AGREEMENT

This Use Agreement is entered into by and between the

LOS ANGELES COUNTY FLOOD CONTROL DISTRICT,
a body corporate and politic

(herein referred to as DISTRICT),

and

THE CITY OF DIAMOND BAR

(herein referred to as USER),

RECITALS

WHEREAS, DISTRICT owns fee interests within Private Drain No. T395, commonly known as Brea Canyon Channel, located within Tract Map No. 27577 consisting of Lots 76, 77, 78, and 79, particularly along the easterly unimproved dirt access road of said channel beginning approximately 700 linear feet south of Diamond Bar Boulevard, extending south to the City boundary, all in the City of Diamond Bar, State of California and, as more particularly shown on Exhibit A, attached hereto, and made a part hereof, hereafter referred to as PREMISES; and

WHEREAS, USER proposes to use a portion of PREMISES for public recreational purposes in connection with USER'S project known as the Crooked Creek Trail, hereafter referred to as the Project (the Project); and

WHEREAS, USER proposes to construct, operate, and maintain certain trail improvements on PREMISES in connection with the Project including, but not limited to, trailheads, entry gates, signage, safety bollards, benches, a pedestrian bridge, ornamental fencing, concrete ramps, and paving, if any, hereafter referred to as IMPROVEMENTS.

NOW, THEREFORE, in consideration of these recitals and the faithful performance by USER and DISTRICT of the mutual covenants herein contained for the period of time herein set forth, DISTRICT and USER hereto mutually agree as follows:

SECTION 1. Authorized Use

1.1. USER is authorized and permitted to use PREMISES for the construction, operation, maintenance, and use of IMPROVEMENTS in accordance with the terms and conditions of this Use Agreement and the approved plans. USER is not permitted to dedicate or personalize any IMPROVEMENTS or place signage on PREMISES without prior written approval by DISTRICT. Any other use of PREMISES by USER is expressly prohibited.

1.2. USER'S use of PREMISES shall be subordinate to the primary uses and purposes of PREMISES for watershed management including flood control, water conservation, and water quality purposes by DISTRICT and others pursuant to DISTRICT'S permission, and USER'S use of PREMISES shall at no time interfere with the use of PREMISES or the use of DISTRICT'S adjacent property and/or DISTRICT'S improvements for such purposes.

1.3 DISTRICT reserves the right to use or allow others to use PREMISES for any and all lawful purposes in addition to flood control, water conservation, and watershed management including, but not limited to, public transportation, utilities, roads, parks and recreation, and/or other related uses together with incidental rights of construction and installation of facilities, ingress and egress, and operation and maintenance. The exercise of the rights reserved herein shall not be inconsistent with USER'S use or constitute unreasonable interference.

1.4 This Use Agreement is valid only to the extent of DISTRICT'S jurisdiction. Acquisition of permits required by other affected agencies or agencies with regulatory jurisdiction over the Project or IMPROVEMENTS and the consent of underlying fee owner(s) other than DISTRICT'S, hereinafter collectively referred to as THIRD-PARTY APPROVALS, if any, are the responsibility of USER. USER shall be responsible for all costs associated with obtaining and complying with the requirements and conditions of all THIRD-PARTY APPROVALS, including, by way of example, permit fees and compensatory mitigation expenses.

SECTION 2. Construction and Maintenance of Improvements

2.1. USER understands and acknowledges that it is required to comply with the requirements set forth in the California Environmental Quality Act (CEQA) and the State CEQA guidelines, and the National Environmental Policy Act (NEPA) and any applicable NEPA regulations of any federal agency with regulatory jurisdiction over the Project or IMPROVEMENTS prior to implementing IMPROVEMENTS, and that USER shall be the Lead Agency with respect to any and all CEQA compliance related to IMPROVEMENTS. In addition to its other indemnification obligations as specified below, USER hereby agrees to indemnify, defend, and hold harmless DISTRICT and COUNTY OF LOS ANGELES and their elected and appointed officers, employees, and agents from and against any and all claims and/or actions related to IMPROVEMENTS that may be asserted by any third party or public agency alleging violations of CEQA or the CEQA Guidelines or the National Environmental Policy Act.

2.2. USER shall bear all costs in connection with the construction of IMPROVEMENTS including preparation of plans and specifications and all construction costs and expenses.

2.3. Prior to commencement of any construction activity on PREMISES by or on behalf of USER, USER shall submit the plans and specification for IMPROVEMENTS to, and shall apply for and obtain a permit from, the Land Development Division, Permits and Subdivisions Section, of the County of Los Angeles Department of Public Works. USER shall also obtain DISTRICT'S prior written approval should USER propose to make any changes to the approved plans and specifications. DISTRICT shall have the right to refuse to issue a permit to USER if the Project or IMPROVEMENTS or any condition of any THIRD-PARTY APPROVAL impose additional regulatory requirements or impediments on the primary uses and purposes of PREMISES for watershed management, including flood control, water conservation, and water quality purposes, by DISTRICT and others (pursuant to DISTRICT'S permission).

2.4. Upon completion of the construction of IMPROVEMENTS USER shall provide DISTRICT with approved as-built plans.

2.5. USER shall keep, inspect, and maintain PREMISES and IMPROVEMENTS in a safe, clean, and orderly condition in accordance with the Maintenance Guidelines as shown on Exhibit B, attached hereto, and made a part hereof, at all times during the term of this Use Agreement and shall not permit trash and debris including, but not limited to, rubbish, tin cans, bottles, and garbage to accumulate at any time, nor shall USER

commit, suffer, or permit any waste on PREMISES or IMPROVEMENTS or permit any acts to be done in violation of any laws or ordinances thereon.

2.6. USER shall remove graffiti from PREMISES and IMPROVEMENTS and from any walls, fences, and signs which are located within PREMISES anytime graffiti is discovered by USER or anytime USER is notified by DISTRICT. Graffiti must be removed within the following guidelines:

2.6.1 Remove vulgar graffiti (i.e., profane, obscene, or racial) within 24 hours, Monday through Friday.

2.6.2 Remove other graffiti within 72 hours, Monday through Friday.

2.7. USER shall replace or repair any property/improvements of DISTRICT that becomes damaged by USER or any person entering PREMISES at USER'S invitation or with the consent of USER, either expressed or implied, within a reasonable time to the satisfaction of DISTRICT or shall compensate DISTRICT for the damage within thirty (30) days of USER'S receipt of an invoice from DISTRICT.

2.8 USER shall close all gates and take all actions necessary to render PREMISES inaccessible to public access in the event USER abandons its operation and maintenance of IMPROVEMENTS or when the weather forecast for the next 24-hour period is for one (1) inch of rain or more, or when notified by DISTRICT.

SECTION 3. Term

3.1. The term of this Use Agreement shall be for twenty-five (25) years, hereafter referred to as the Initial Term, which commences upon the final execution by DISTRICT subject to DISTRICT'S right to terminate USER'S use as provided for in Section 4, below.

3.2 This Use Agreement shall expire at the end of the Initial Term provided, however, that DISTRICT, upon approval by DISTRICT'S Board of Supervisors, may extend the term of this Use Agreement beyond the Initial Term, subject to such terms and conditions as it deems appropriate, upon receipt of a written request from USER no earlier than twelve (12) months or later than six (6) months prior to the end of the Initial Term.

SECTION 4. Termination of Use

4.1. DISTRICT shall have the right to cancel this Use Agreement and terminate USER'S use of PREMISES, pursuant to this Use Agreement, by giving USER at least ninety (90) days prior written notice under the following conditions:

4.1.1. DISTRICT proposes to implement a project on or including PREMISES for watershed management purposes including flood control, water conservation, and water quality ; and

4.1.2. DISTRICT determines, in good faith, that IMPROVEMENTS and/or USER'S use of PREMISES, or any of them, would be substantially incompatible with the proposed project; and

4.1.3. DISTRICT has notified USER of the basis for DISTRICT'S determination that a substantial incompatibility will exist and has provided USER with a reasonable opportunity to propose modifications to IMPROVEMENTS or USER'S use of PREMISES that will eliminate the incompatibility.

4.2. DISTRICT shall have the right to cancel this Use Agreement and terminate USER'S use of PREMISES by giving USER at least 60 days prior written notice if: (1) USER breaches any term or condition of this Use Agreement, or (2) changes in federal, state, or local laws, rules, and regulations result in the presence or use of IMPROVEMENTS imposing additional regulatory burdens or impediments on the primary uses and purposes of PREMISES for watershed management, including flood control, water conservation, and water quality purposes, by DISTRICT and others (pursuant to DISTRICT'S permission).

4.3. DISTRICT shall have the right to cancel this Use Agreement and terminate USER'S use of PREMISES if construction of IMPROVEMENTS has not been completed within five (5) years from the date this Use Agreement is fully executed.

4.4. DISTRICT shall have the right to immediately cancel and terminate USER'S use of PREMISES, pursuant to this Use Agreement, or, in DISTRICT'S sole discretion, to temporarily suspend such use in the event DISTRICT determines, in good faith, that it is necessary for DISTRICT to enter and take exclusive possession of PREMISES in order to respond to an emergency, as defined in Public Contract Code Section 1102. In the event of an emergency, USER shall bear any expenses associated with the cessation of such use and shall have no rights or claims therefore against DISTRICT.

4.5. USER shall have the right to cancel and terminate its use of PREMISES, pursuant to this Use Agreement, for any reason by giving DISTRICT at least sixty (60) days prior written notice.

SECTION 5. Removal of Improvements and Restoration of Premises

5.1. Upon the expiration or sooner termination of this Use Agreement, USER shall, at its own expense, remove IMPROVEMENTS and restore

PREMISES, to a condition similar to or better than that which existed on the effective date of this Use Agreement, reasonable wear and tear excepted, unless USER requests from DISTRICT in writing to leave all or a portion of said IMPROVEMENTS on PREMISES. Should DISTRICT, in its reasonable discretion, decide that USER need not remove all or any part of IMPROVEMENTS, DISTRICT shall notify USER in writing that it shall leave some or all of IMPROVEMENTS as is.

5.2 Prior to commencing the removal of IMPROVEMENTS, USER shall apply for and obtain a permit from the Land Development Division, Permits and Subdivisions Section, of the County of Los Angeles Department of Public Works.

5.3. If USER fails to remove IMPROVEMENTS and restore PREMISES within ninety (90) days of the expiration of this Use Agreement or sooner termination of USER'S use of PREMISES, pursuant to this Use Agreement, DISTRICT may remove IMPROVEMENTS.

5.4. If DISTRICT removes IMPROVEMENTS pursuant to Subsection 5.3, DISTRICT shall submit a billing invoice to USER indicating the costs and expenses incurred by DISTRICT in connection with the removal of IMPROVEMENTS and USER shall reimburse DISTRICT all such costs and expenses for removing said IMPROVEMENTS within thirty (30) days of the billing invoice.

SECTION 6. Miscellaneous Terms and Conditions

6.1. Indemnification

6.1.1. In accordance with Government Code Section 895.4, DISTRICT and USER Agree to apportion responsibility and indemnification, notwithstanding any other provision of law, as follows:

6.1.1.1. USER shall indemnify, defend, and hold DISTRICT and the County of Los Angeles and their respective officers, employees, and agents harmless from, and against, any claims, demands, liability, damages, costs, and expenses including, without limitation, involving bodily injury, death, or personal injury of any person or property damage of any nature whatsoever arising from or related to the construction, reconstruction, maintenance, operation, use, or removal of IMPROVEMENTS or USER'S breach of any term of this Use Agreement, except to the extent caused by the willful misconduct of DISTRICT.

6.1.1.2. DISTRICT shall indemnify, defend, and hold USER and its officers, employees, and agents harmless from

and against any claims, demands, liability, damages, costs, and expenses including, without limitation, involving bodily injury, death, or personal injury of any person or property damage of any nature whatsoever arising from or related to the construction, reconstruction, maintenance, operation, or removal of any improvements by DISTRICT on, above, or under PREMISES or arising from any and all uses of PREMISES by DISTRICT, except to the extent caused by the willful misconduct of USER.

6.1.2. USER releases DISTRICT and waives all rights to damages for any loss, costs, or expenses USER may sustain as a result of any damage to, or destruction of, IMPROVEMENTS or to PREMISES attributable to DISTRICT'S watershed management activities including any flood control, water conservation, or water quality activities on, or adjacent to, PREMISES, or attributable to any flooding caused by inadequacy or failure of DISTRICT'S facilities, except to the extent caused by DISTRICT'S willful misconduct.

6.1.3. Each party to this Use Agreement shall include the other within the protection of any indemnification clause contained in any ancillary contract relating to PREMISES.

6.2. Without limiting USER'S indemnification of DISTRICT, USER shall procure and maintain, in full force and effect during the term of this Use Agreement, insurance policies providing for the following insurance coverage:

- Comprehensive general liability and property damage coverage with a combined single limit liability in the amount of not less than TWO MILLION AND 00/100 DOLLARS ($2,000,000.00) per occurrence.

- Workers' Compensation coverage in such amount as will fully comply with the laws of the State of California and which shall indemnify, insure, and provide legal defense for both DISTRICT and USER against any loss, claim, or damage arising from any injuries or occupational diseases occurring to any worker employed by, or any person retained by, USER in the course of carrying out the work or services contemplated in this Agreement.

- Automobile Liability Insurance: USER shall procure such policy with coverage of not less than ONE MILLION AND 00/100 DOLLARS ($1,000,000.00) per accident.

- The County of Los Angeles and Los Angeles County Flood Control District, its governing board, officers, agents, contractors, and employees shall be named as Additional Insured on all policies of liability insurance. USER shall furnish to DISTRICT a Policy of Insurance evidencing USER'S insurance coverage no later than ten (10) working days after execution of the Agreement, but before USER takes possession of PREMISES. Upon renewal of said policy, USER shall furnish to DISTRICT a Certificate evidencing USER'S continued insurance coverage as required herein.

- DISTRICT may accept, should USER elect to provide, a Certificate of Self-Insurance. The limits of such self-insurance coverage shall meet or exceed those stated herein.

6.3. USER and DISTRICT shall have no financial obligation to each other under this Use Agreement, except as herein expressly provided.

6.4. The parties expressly recognize and intend that in consideration of this Use Agreement, which is solely for USER'S benefit, DISTRICT is not to incur any liability whatsoever for any injury, death, or property damage arising from any use of PREMISES or IMPROVEMENTS by persons who gain entry through openings or areas provided for USER'S use except as provided in Section 6.1.2.

6.5. DISTRICT, its Board, and any authorized officer, engineer, employee, or contractor, through its agents or representatives shall have full right and authority to enter in and upon PREMISES at any and all reasonable times during the term of this Use Agreement, all without interference or hindrance by USER, its agents, officers, contractors, employees, or representatives for the purpose of inspecting the same and to serve or post any notice required or permitted by law for protection of any right or interest of DISTRICT.

6.6. Except as to fuels, lubricants, and products associated with motorized vehicles, equipment, gardening, or maintenance-related substances, or all of the above, USER shall not cause or allow the presence, use, storage, or disposal of any hazardous substances on or about PREMISES without the prior written consent of DISTRICT, which consent shall not be unreasonably denied. In the event of spillage, leakage, or escape of any hazardous substance onto PREMISES, USER shall immediately notify DISTRICT by calling (800) 675-4357. If the spillage, leakage, or escape was caused by USER, USER shall promptly remove any such substance from PREMISES to DISTRICT'S satisfaction. In addition to removing any of USER'S hazardous substances, USER shall be liable for and reimburse DISTRICT for any and all cost and expenses that DISTRICT may incur or suffer as a result thereof. Such responsibility shall include cost or expenses as DISTRICT may incur by reason of Federal, State, local, or

other authoritative agency's laws and regulations. Notwithstanding the foregoing, USER shall have no responsibility regarding any spillage, leakage, or escape associated with any of DISTRICT'S tenants, licensees, or easement holders.

6.7. Any notice to be given or document to be delivered by DISTRICT or USER to the other party may be delivered in person to either party or by private courier or may be deposited in the United States mail, duly registered or certified, with postage prepaid and addressed to the party for whom intended as follows:

To DISTRICT:

Los Angeles County Flood Control District
Survey/Mapping & Property Management Division
P.O. Box 1460
900 South Fremont Avenue
Alhambra, CA 91802-1460
Telephone: (626) 458-7023 or (626) 458-7072; Fax (626) 979-5322
For emergencies, contact (626) 458-HELP (4357)

To USER:

City Manager
City of Diamond Bar
21810 Copley Drive
Diamond Bar, CA 91765-4178
Telephone: (909) 839-7010; Fax: (909) 348-3117

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This Use Agreement has been executed on behalf of DISTRICT and USER by and through their respective duly authorized representatives, on the _____ day of _____ 20_____.

DISTRICT:

LOS ANGELES COUNTY
FLOOD CONTROL DISTRICT,
a body corporate and politic

GAIL FARBER
Director of Public Works

By _____
STEVEN G. STEINHOFF
Its Assistant Deputy Director
Survey/Mapping & Property Management Division

APPROVED AS TO FORM

MARY WICKHAM
Interim County Counsel

By _____

Date _____

USER:

CITY OF DIAMOND BAR,

By _____
City Manager

Date _____

APPROVED AS TO FORM

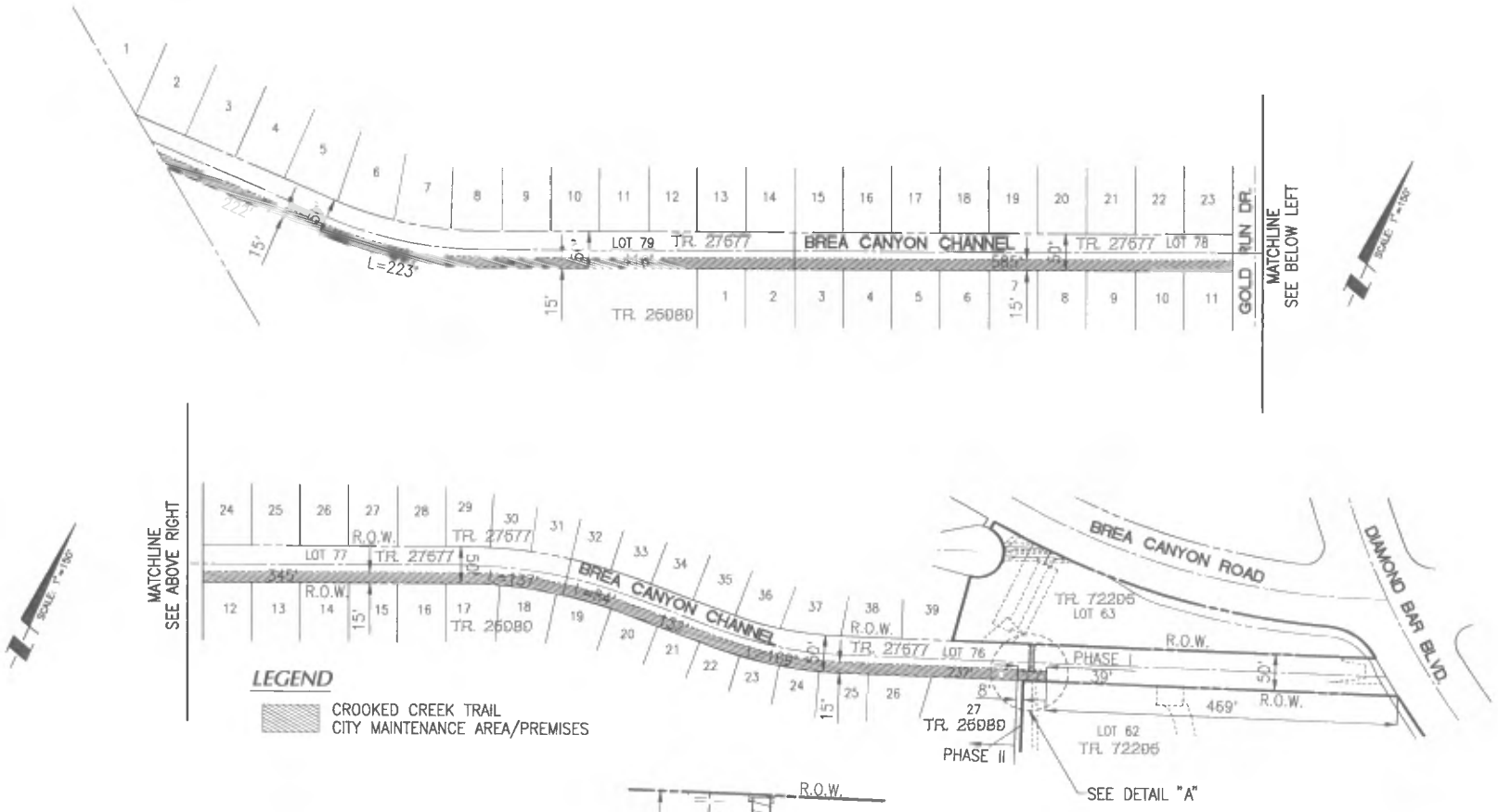
_____
City Attorney

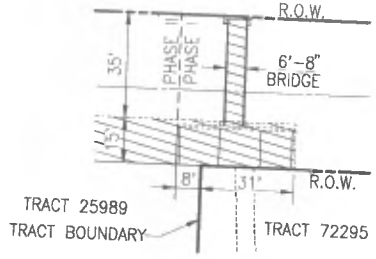
REVIEW BY

_____
Title

CW:tw
P:\MPPUB\ADMIN\TRACY\BOARD LETTER\CINDY W\PD T375\ USE AGREEMENT.DOC

EXHIBIT A





DETAIL "A"
SCALE: 1"=40'

EXHIBIT A

USE AGREEMENT NO. 15-17

CROOKED CREEK TRAIL
BREA CANYON CHANNEL
LOTS 76-79 OF TRACT NO. 27577
CITY OF DIAMOND BAR

PLOTTED BY: ViVan Vo DATE: Mar. 24, 2015 FILE: P:\0718\Engineering\TR. 72295\Exh_Use Agreement\Sht01.dwg

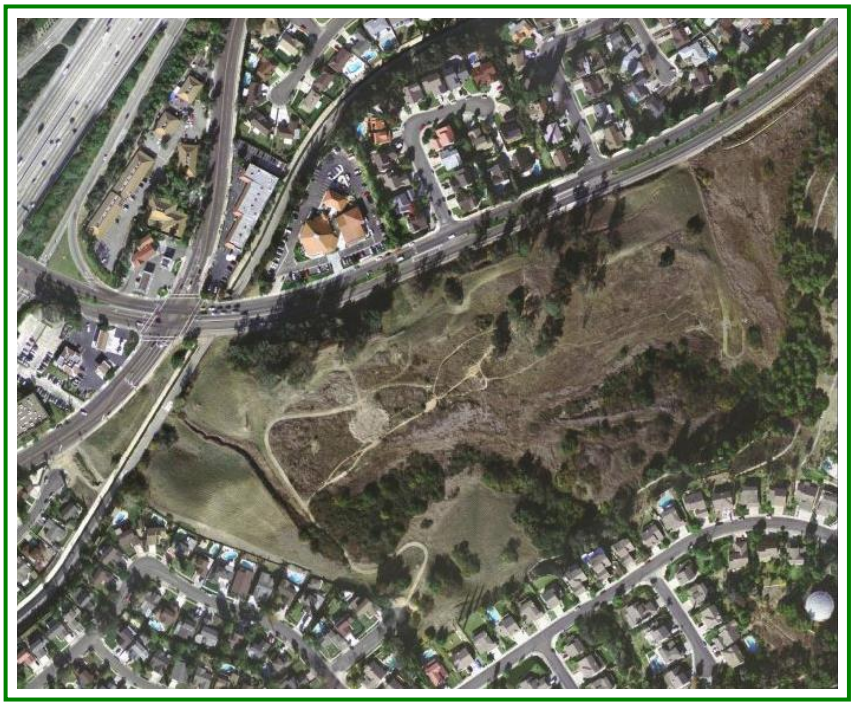
EXHIBIT B
SCOPE OF WORK: LANDSCAPE MAINTENANCE

Action	Description	Frequency
Tree Trimming	Remove dead, deceased, insect-infested and damaged branches and limbs	As needed
	Prune Elm, Eucalyptus, and Pepper trees	Every two (2) years
	Prune all other trees	Every three (3) years
	Dispose of all trees downed by natural or unnatural causes	As needed
Tree Staking	Install stakes when tree is damaged, requires support, or is less than three (3) inches in diameter	As needed
	Check ties, and stakes	Once (1) a month
Shrubbery/ Vines Trimming	Shrubs and vines shall be trimmed to restrict growth onto the adjacent roads, driveways, and walkways	As needed
	Shrubs should be trimmed to not grow taller than 4 feet, and no shorter than 3 ½ feet	Once (1) a year, in March
	Trimming should look natural – no shearing	
	Remove dead or diseased plant materials	As needed
Ground Cover Trimming and Care	Keep ground covers adjacent to roadways away from paved surfaces	Twice (2) a year, in March and September
	Edges should look natural – no shearing	
Ornamental Grass Trimming	Trim vines and ornamental grass in an artisan-like manner – no scalping	Once (1) a year, in September.
	Ornamental grass and vines along bicycle trails	Twice (2) a year, in March and September
	Vines on channel side of wall – no lower than two (2) feet below top of the wall	Once (1) a year, in September
Weed Control	Keep landscaped areas free of weeds	Once (1) a week
	Remove all weeds from walkways, drainage areas, and cracks in all hard surface areas	Once (1) a week
Litter Control	Remove litter and accumulated debris from landscaped areas	Once (1) a week
	Empty and clean trash cans/receptacles	Once (1) a week
	Replace pet litter bags	Once (1) a week
	DO NOT handle hazardous waste materials	
Watering and Irrigation System	Operation of automatic irrigation controllers in a way to not cause excessive wetness	
	Inspect and maintain irrigation system	As needed
Rodent Control	Maintain all areas free of rodents, in compliance with Federal, State and local laws – to be completed by California Certified Applicator	As needed

Enclosure B

Addendum No. 1
Response to Comments
Vesting Tentative Tract Map No. 72295
Willow Heights

Final Environmental Impact Report
"Site D" Specific Plan
SCH No. 2008021014



Lead Agency:
City of Diamond Bar
Community Development Department
21810 Copley Drive, Second Floor
Diamond Bar, California 91765-4178

Applicant:
Lennar Homes of California, Inc.
25 Enterprise, Suite 300
Aliso Viejo, California 92656

November 2013

Addendum No. 1
Response to Comments
Vesting Tentative Map No. 72295
Willow Heights

Final Environmental Impact Report
"Site D" Specific Plan
SCH No. 2008021014

Lead Agency:
City of Diamond Bar
Community Development Department
21810 Copley Drive
Diamond Bar, California 91765-4178

Applicant:
Lennar Homes of California, Inc.
25 Enterprise, Suite 300
Aliso Viejo, California 92656

Prepared by:
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26051 Via Concha
Mission Viejo, California 92691-5416

November 2013

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1.0 INTRODUCTION

At its meeting on November 19, 2013, with regards to Agenda Item No. 7.1 (Resolution No. 2013-34: Approving Vesting Tentative Tract Map No. 72295, Associated Development Review and Tree Permit Applications, and Addendum #1 to the Final Environmental Impact Report for the Site D Specific Plan [Planning Case No. PL2013-229] to Authorize the Development of 182 Residential Units and a 2.5 Net-Acre Neighborhood Public Park at the Southeasterly Corner of Brea Canyon Road and Diamond Bar Boulevard, Diamond Bar, CA 91765, et al.), the City of Diamond Bar (City or Lead Agency) City Council (Council) voted to continue the agenda item to December 3, 2013 in order to give City staff an opportunity to provide more information about the "feasibility" of covering that segment of the Brea Canyon Flood Control Channel (Channel) located within the "Site D" study area.[1] The project modification posited by the Council is addressed herein both in the context of "covering" (i.e., building a cover over or overbuild) and "undergrounding" (i.e., replacing the existing open channel with a subsurface conduit).

If it should so elect, the Council possesses the discretionary authority to condition Vesting Tentative Tract Map No. 72295 (VTT 72295) in the manner it deems appropriate. Here, the condition under consideration is the imposition of a project-specific obligation to cover the Channel or to replace the existing open culvert with an underground pipeline. From an entitlement perspective, the imposition of that condition on VTT 72295 (should it be so imposed) alters the proposed project in a physical way and, in so doing, potentially changes the project description and environmental analysis presented in the "Final Environmental Impact Report – 'Site D' Specific Plan, SCH No. 2008021014" (FEIR)[2] and in the "Addendum No. 1 to the Final Environmental Impact Report – 'Site D' Specific Plan, SCH No. 2008021014" (City of Diamond Bar, September 2013) (Addendum). This "Addendum – Response to Comments" (Addendum RTC) examines the environmental and other implications of that action and presents the Community Development Department's (Department) preliminary assessment whether that condition results in any significant impacts to the natural and human environment and can be accomplished in a successful manner within a reasonable time period.[3]

In processing VTT 72295 and in its consideration of the subdivision of the "Site D" planning area, the City has elected to defer review of the final park plan until a later date. As illustrated in VTT 72295, two separate lots would be created which collectively comprise the entirety of the neighborhood park. The Channel bifurcates the proposed neighborhood park area, separating the 0.9-acre "park" located to the west of and the 3.8-acre "rain garden park/basin" located to the east of the Channel. As such, the Council retains the option to act on this item either as an integral part of VTT 72295 or, subject to the imposition of specified performance standards, to defer any action thereupon until the detailed park plan is brought back for the Council's consideration.[4]

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[1]/ The project site is located in the Diamond Bar Creek watershed which constitutes a portion of the San Jose Creek subwatershed of the San Gabriel River watershed.

[2]/ The FEIR included, but was not limited to, the "Draft Environmental Impact Report – 'Site D" Specific Plan, SCH No. 2008021014" (DEIR) and the "Response to Comments on the Draft Environmental Impact Report – 'Site D' Specific Plan, SCH No. 2008021014."

[3]/ As defined in the State CEQA Guidelines, "feasible" is defined to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors" (14 CCR 15364).

[4]/ Section 15300 *et seq*. of the State CEQA Guidelines identifies certain "classes" of projects as being categorically exempt, acknowledging that those projects "do not have a significant effect on the environment and they are declared to be categorically exempt from the requirements for the preparation of environmental documents." Pursuant to Section 15302 therein, "Class 2 consists of replacement or reconstruction of existing structures and facilities

With regards to the Channel, based on the information presented in the Applicant's tentative subdivision map, assuming a 50-foot width and a maximum length of 565-foot length, the area now under consideration for possible coverage or undergrounding equates to about 0.65 acres (28,250 square feet). Alternatively, the DEIR assumed that the LACFCD's real property interests within the "Site D" planning area totaled about 0.75 acres. Although the actual County acreage and the area of possible Channel coverage may be less, the 0.75-acre assumption is retained herein. In the event that the County's property were to be added to the area now identified by the Applicant as located within the boundaries of the current conceptual park plan, as potentially envisioned by the proposed condition, the park acreage within the "Site D" planning area might, therefore, increase by up to an additional 0.75 acres.[5] Conversely, if the Applicant elects not to increase the size of the park beyond what is now proposed, a reduction in the size and reconfiguration of the two parcels comprising the park site would logically occur.

2.0 ADMINISTRATIVE RECORD REGARDING CHANNEL MODIFICATIONS

Both the "'Site D' Specific Plan" (SDSP) and the FEIR contain information relevant to the Channel's coverage or replacement with an underground pipeline. Information relevant to the proposed condition, as extracted from those two documents, is presented below.

2.1 Site D Specific Plan

The SDSP contains a number of references to the possible coverage of the Channel. As indicated therein: (1) "The SDSP was originally envisioned to be a mixed use project, consisting of half of the site planned for a shopping center with frontages along Brea Canyon Road and Diamond Bar Boulevard (and covering the channel), and the other half planned for up to 202 dwelling units" (p. 3); (2) "The Los Angeles County Flood Control District owns the channel separating the City and School District properties. The channel will most likely not be covered, but there may be an opportunity for it to be integrated into the trail system along Brea Canyon Road to the north and south, as well as connect to the walking trails within the project site" (p. 3); and (3) "The Brea Canyon Channel which runs through a small portion of the site may be covered as part of the development and will be available for parking and landscape uses only" (p. 26).

The Channel's coverage was contemplated in the SDSP; however, the SDSP neither mandated the Channel's coverage nor precluded that action as a possible project component.

2.2 Final Environmental Impact Report

The possible coverage of that portion of the Channel located within the "Site D" property, identified as Los Angeles County Private Drain No. 395 (PD 395), was examined in the FEIR, of which the

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where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced." Reference to the above cited statutory provision is not intended to indicate the City's ability to avail itself of that option but to indicate that the State Legislature has determined that certain "replacement and reconstruction" activities do not have the potential to produce significant environmental effects.

[5]/ Neither the FEIR nor the Addendum explicitly addressed the additional park acreage resulting from the coverage or undergrounding of the existing Channel. The FEIR did, however, assume the inclusion of and the modification of the Channel for the purpose of CEQA compliance. Absence specificity as to the precise nature of park improvements, from a broad environmental perspective, the expansion of park facilities would appear to have minimal environmental effects. When final park improvement plans are brought back for the Council's consideration, additional environmental review may be required in order to ensure that the nature of the proposed improvements and on-site amenities do not introduce new significant effects not previously considered by the Lead Agency.

"Draft Environmental Impact Report – 'Site D' Specific Plan, SCH No. 2008021014" (DEIR) was a part. The following excerpts are extracted from the DEIR.

- As initially formulated, the "Site D" project was a mixed-use development involving both commercial and residential uses. Under the initial design concept, the Channel was to be covered and the area located there above used for parking and site access. As indicated and illustrated in the DEIR (p. 2-7; Figure 2-7, p. 2-16):

  > As illustrated in Figure 2-7 ("Site D" Specific Plan - Conceptual Drainage Plan), the existing Brea Canyon Storm Drain Channel will be covered and become an underground drainage facility as it traverses the project site. To convey the 50-year discharge, the proposed channel section will be 9-feet wide by 8-feet wide, double cell, reinforced concrete box (RCB) with an average cover of 20 feet. Fifty feet of transition box will be constructed from the proposed RCB section to the existing culvert section under Diamond Bar Boulevard. A transition structure downstream of the proposed RCB will be constructed to join the existing trapezoidal channel.

  That graphic is included as Figure ARTC-1 (Conceptual Alternative Drainage Plan) herein.

- With regards to discretionary permit, the DEIR (p. 2-22) stated that:

  > [T]he project involves both the acceptance of the design and construction of the on-site storm drain system by the LACDPW [Los Angeles County Department of Public Works] and, through the conveyance of a leasehold interest, the LACDPW's authorization allowing the overbuilding (covering), air rights transference, and use of lands atop the Brea Canyon Storm Drain Channel for project-related purposes.

- With regards to conveyance of "air rights" above the Channel, the DEIR (p. ES-1) noted:

  > The Brea Canyon Storm Drain Channel (Brea Canyon Channel), which runs generally parallel to Brea Canyon Road, separates the District Property from the City Property. The LACFCD's approximately 0.75-acre facility (County Property) is presently an open box culvert. In accordance with the LACFCD's "Guidelines for Overbuilding and Air Rights," in combination with such other standards and procedures as may be established by the County, leasehold interests in the "air rights" above the channel could be conveyed to a non-County entity, thus allowing the channel to be covered and the lands situated above that facility used for other purposes.

- With regards to the LACDPW, the DEIR (p. 4.4-6) noted:

  > The Brea Canyon Storm Drain Channel, which traverses the project site, is under the jurisdiction of the Los Angeles County Flood Control District (District), a division of the LACDPW. The County has developed "guidelines" for uses of the District's rights-of-way by other parties for "overbuilding open channels and covering storm drains to create surface

areas, to identify and resolve areas of incompatibility, and to provide the basic requirements for specific proposals that will maximize the long-range benefits to the public and the District."[1] As indicated therein, for operating rights-of-way, overbuilding will be allowed provided the District's needs for flood control and all existing foreign uses authorized by the District are protected or provided for. Proposed uses must accommodate recreational, utility, transportation, public housing, and open space requirements that are programmed for the channel in question.[2]

County guidelines indicate that, in order to optimize safety and ensure the hydraulic and structural integrity of a particular flood control channel, the District and the ACOE [United States Army Corps of Engineers] have a number of operational requirements that must be met by every joint-use proposal. Those requirements include, but may not be limited to, the following: (1) Access into a covered channel is required every 500 feet; this access is usually of a pedestrian nature and could be in the form of manholes and ladders; (2) Adequate clearance inside the channel (a minimum height of channel wall) must be maintained throughout the channel for the transportation of heavy equipment used in channel repair, bridge, and bridge abutment repair; and (3) In the event the channel is covered, adequate ventilation must be provided to prevent the build-up of noxious or volatile fumes; a short reach of the channel shall remain uncovered, thereby aiding channel maintenance and repair.[3]

Footnotes (Note footnote numbering is altered herein from the original):

1. Los Angeles County Department of Public Works, Los Angeles County Flood Control District, Guidelines for Overbuilding and Air Rights, revised June 2004, p. 2.
2. The District is developing a Property Use Plan (PUP) for each major flood control channel to ensure that the channel rights-of-way are developed in a manner compatible with the adjoining properties and yield the maximum benefit to the local community. Proposals should be in conformance with the PUP; however, if a desired use is different, the project proponent will be required to submit a change (amendment) to the PUP for approval. An amendment may be acceptable, provided the change for a particular reach of channel is between successive streets and approved by the local planning agency. In addition, all environmental requirements need to be fulfilled to the satisfaction of the Lead Agency.
3. *Ibid*. [*Op Cit*.], pp. 6-7.

- If the Channel were to covered, the DEIR (p. 4.4-17) identified the following "condition of approval" (Condition of Approval 4-1, renumbered 4-2 in the FEIR) relating to that action:

  If the flood control channel right-of-way is to be utilized as part of the project's development plan, prior to the issuance of a grading permit, the Applicant shall obtain all requisite permits and approvals from the Los Angeles County Department of Public Works – Flood Control District allowing for the overbuilding of the Brea Canyon Storm Drain Channel and shall provide the City Engineer with documentation, acceptable to the City Engineer, demonstrating County approval and authorization, including a complete list of all permit requirements that may be associated therewith.

- A project-specific hydrology study, examining coverage of the Channel, was included in Appendix E (Preliminary Hydrology and Water Quality Analysis[6]) of the DEIR. As indicated, in part, therein:

> According to the record plans for Brea Canyon Channel (LACDPW private drain No. 395), 25-year discharge of 2,285 cfs [cubic feet per second] is shown at downstream side of Diamond Bar Boulevard culvert. LACDPW has requested the improvements shall be designed to meet 50-year storm runoff which is converted to 2,602 cfs. Again, for direct summation of two flows from the site and from the Channel, the 50-year discharge is calculated as 2,777 cfs at this reach. . .The proposed grading plan indicates that the existing Brea Canyon Channel at this reach will be replaced with reinforced concrete box (RCB) and the area created will be used for parking or landscaping. An existing tributary open channel east of project will be replaced with RCB as well for a proposed entrance to the site. To convey the 50-year discharge, proposed channel section shall be double cells 9 feet wide by 8 feet high RCB with average 20 feet cover based on the proposed grading plan. 50 feet of transition box will be constructed from proposed RCB section to existing culvert section under Diamond Bar Boulevard.

The County's "standard" design plan for a double reinforced concrete box (RCB) culvert was presented in the DEIR and is included herein as Figure ARTC-2 (Standard Design Plan for a Double Box Culvert). Other design options (e.g., circular pipe, pipe-arch, arch) and characteristics (e.g., flexible, semi-flexible, or rigid structures) may exist but were neither included nor discussed therein.

Because the existing Channel's capacity is less than the existing 50-year storm flow, even absent any increased flows associated with the proposed project, improvements to that segment of the Channel may be required (by others). As a result, the FEIR included the following mitigation measure (Mitigation Measure 4-1)[7]:

> Prior to the issuance of grading permits, all drainage facilities and improvements shall be subject to final design and engineering review and approval by the City Engineer and, for those storm drain facilities under County jurisdiction, by the Los Angeles County Department of Public Works (LACDPW).

2.3 Addendum

With the exception of the proposed pedestrian and service vehicle-only bridge constructed across the Channel and physically connecting the "park" and "rain garden/basin," the Addendum contains no additional information or analysis (beyond that presented in the FEIR) relating to the further coverage of the Channel and the environmental impacts resulting therefrom.

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[6]/ PENCO Engineering, Inc., Preliminary Drainage Report for Site 'D' Improvements at Intersection of Diamond Bar Boulevard and Brea Canyon Road, Diamond Bar, California, February 7, 2008, revised April 6, 2009.

[7]/ That mitigation measure is inclusive of the currently proposed bridge crossing the Channel and connecting the "park" and "rain garden/basin" and, if the project were to be modified to include the Channel's coverage, would include the Channel improvements identified herein.

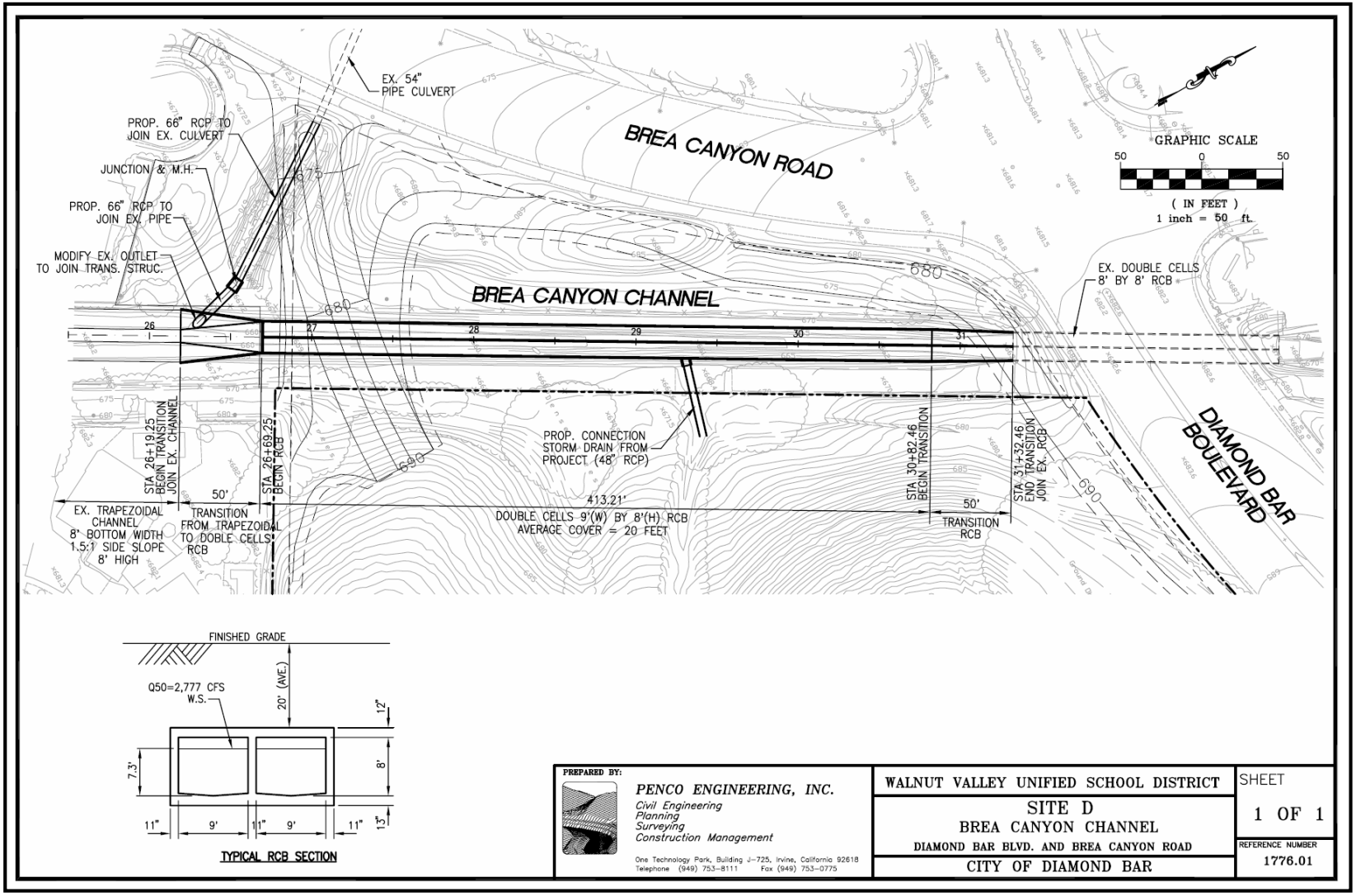

Figure ARTC-1
CONCEPTUAL ALTERNATIVE DRAINAGE PLAN
Source: PENCO Engineering, Inc.

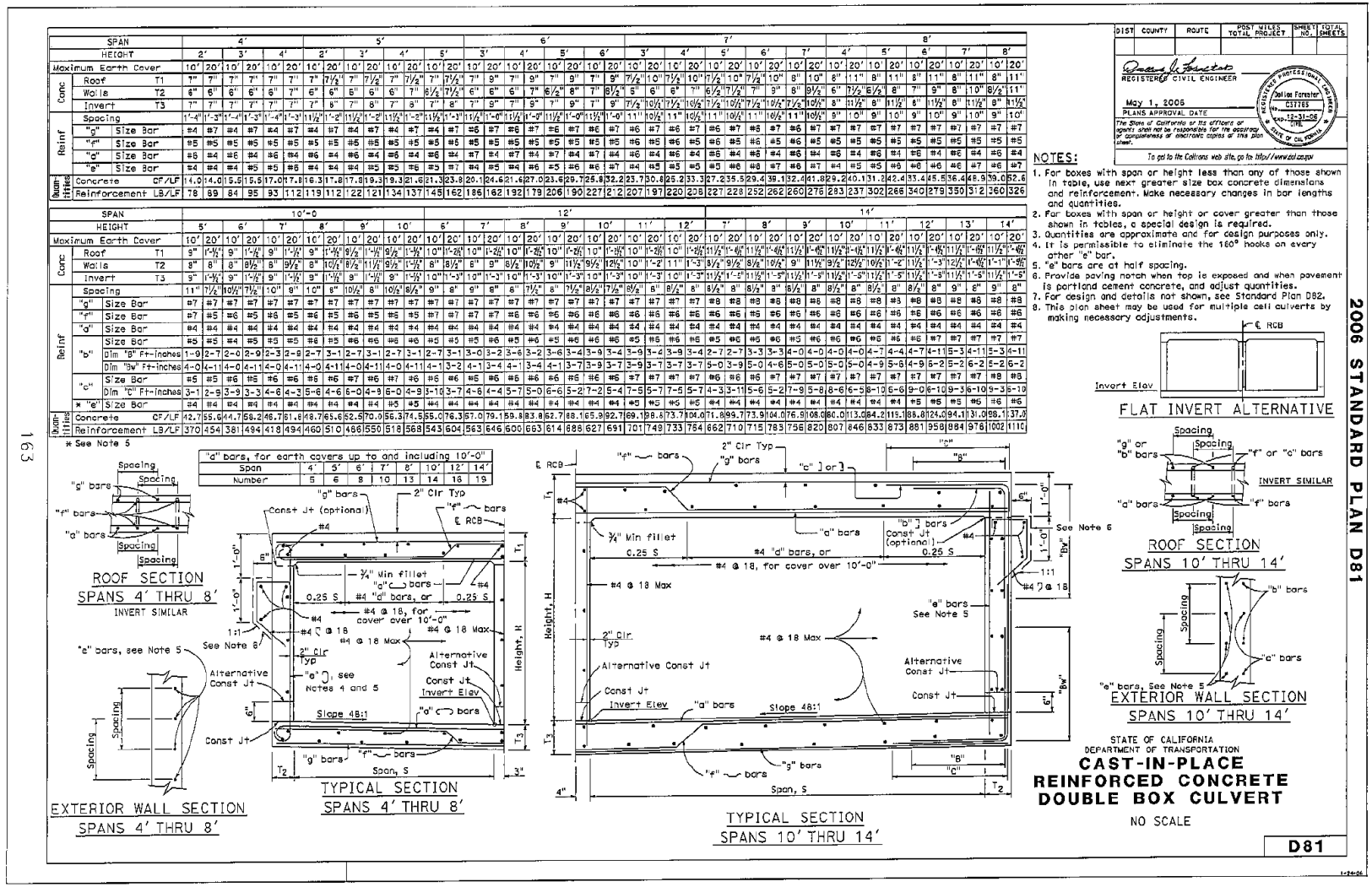

Figure ARTC-2
STANDARD DESIGN PLAN FOR A DOUBLE BOX CULVER
Source: Los Angeles County Department of Public Works

The Applicant's current development plan does not assume the Channel's coverage. Some modification of that plan would, therefore, be required in order to implement that condition. Changes could include, but may not be limited to, revisions to: (1) the conceptual park plan; (2) the proposed grading plan; and (3) the proposed drainage improvement plans. Although it can reasonably be assumed that any resulting changes would be relatively minor, the City should await receipt of additional information from the Applicant prior to any determination concerning the nature of those changes and their potential environmental significance.

3.0 LOS ANGELES COUNTY DEPARTMENT OF PUBLIC WORKS

A permit from the LACDPW is required in order to build over an existing storm drain or within a flood control easement. A permit application, including plans and structural calculations indicating that the proposed improvements would neither detrimentally affect the storm drain system nor its maintenance, must be submitted to the LACDPW's Construction Division – Permits and Subdivisions Section (900 South Fremont Avenue, 8th Floor, Alhambra, CA 91803-1331). The permit application package is included in Attachment A (Flood Permit Application).

County permit policies regarding work within flood control facilities are presented in Attachment B (County Permit Policies). As specified therein, construction work affecting channel capacity is prohibited between October 15 and April 15. That prohibition, in combination with the additional time period required to obtain a County permit, could affect the Applicant's development schedule.

The LACFCD has formulated "guidelines" for "overbuilding and air rights." The LACFCD's "Guidelines for Overbuilding and Air Rights" (Revised June 2004) are included as Attachment C (County Guidelines for Overbuilding and Air Rights) herein. In accordance therewith, the LACFCD will allow overbuilding and use of air rights by a long-term lease over fee-owned property. Lease documents shall contain requirements protecting the County's interests and include provisions for receipt of rental income. Proposed uses must accommodate recreational, utility, transportation, public housing, and open space requirements that may be programmed for the affected channel.

As specified, in part, therein:

> To optimize safety and ensure the hydraulic and structural integrity of a particular flood control channel, the [Los Angeles County Flood Control] District and the U.S. Army Corps of Engineers have a number of operational requirements that must be met by every joint use proposal. The following is a list of the major requirements. Please note that this list should not be considered complete or absolute. The requirements are: (1) Access into a covered channel is required every 500 feet. This access is usually of a pedestrian nature and could be in the form of manholes, ladders, etc. (2) Adequate clearances inside the channel (a minimum height of channel wall) must be maintained throughout the channel for the transportation of heavy equipment used in channel repair, bridge, and bridge abutment repair, etc. (3) In the event the channel is to be covered, adequate ventilation must be provided to prevent the build-up of noxious or volatile fumes. A short reach of the channel, 30 feet or so, to remain uncovered, thereby aiding channel maintenance and repair in that equipment and material could be lowered into or removed from the channel.

The City is unaware of the existence of any "Property Use Plan" (PUP) which may have been formulated by the LACFCD for either the entirety of the San Gabriel River or for that segment of Diamond Bar Creek in the vicinity of the Channel. If a PUP has been developed, that document may include provisions relating to authorized and prohibited land uses atop the Channel.

4.0 AIR RIGHTS FOR PUBLIC PURPOSES

The rights to lands above and below the ground are separable from surface rights. As indicated in the Tax Code: "A change in ownership of real property occurs pursuant to Revenue and Taxation Code section 60 upon the transfer of air rights located directly above the land surface which establishes their legal description. Air rights are considered real property by Property Tax Rule 124, which classifies them as land; a transfer of a present fee interest in air rights separate from the surface rights is legally possible since such rights are real property and part of land; and there should be a reappraisal of that portion of the land (air rights) that changes ownership."

Although in a scale substantially larger than now under consideration by the City, as indicated in Attachment D (Urban Freeway Cap Parks), the County is currently considering a number of proposals to construct public parks (identified as cap parks, highway parks, and deck parks) above existing freeway rights-of-way. Nationally, examples are cited where such facilities have already been successfully developed.

Similarly, throughout the County, there are many examples of public use of flood control facilities. As indicated in the "Los Angeles River Master Plan" (Los Angeles County, June 1996): "While the primary purpose of the Los Angeles River is to provide flood protection for existing and anticipated land uses in the Los Angeles Basin, decreasing open space resources has led to renewed interest by the Citizens of Los Angeles County in exploring opportunities for the Los Angeles River to support compatible and multiple uses" (Section VII, p. 2-1). As in the case of the Los Angeles River, based on the specific facility, adaptive public use many not necessitate coverage or undergrounding. That option (i.e., expanded public use without coverage or undergrounding) does not, however, appear available with regards to the Channel based on the physical constraints imposed by the site and other proximal land uses.

The proposed project modification would necessitate three-party negotiations (Applicant, City, and County), including consideration of construction, maintenance, and other costs, tenure, fee payments, and, with regards to decking, obligations for the possible repair and removal. Although it would appear that a leasehold interest represents the appropriate legal instrument to establish a multiple use, a leasehold might include an expiration when the City could be mandated to vacate its interests and cease its use. Subject to the recommendations of the City Attorney, a public-use easement might allow for the creation of a long-term public use absent a definitive tenure.

5.0 UNDERGROUNDING OF PUBLIC FACILITIES

Currently, the Channel is a trapezoidal concrete-lined open drainage facility. Under Diamond Bar Boulevard, a double 8-foot by 8-foot RCB serves as roadway culvert. In contrast, the proposed project modification assumes a double 9-feet by 8-feet RCB. The FEIR notes that "50 feet of transition box will be constructed from [the] proposed RCB section to [the] existing culvert section under Diamond Bar Boulevard." No off-site improvements to the existing Channel were identified in the FEIR. Construction activities associated with Channel modifications in proximity to Diamond Bar Boulevard might, however, necessitate temporary lane closures.

In addition to new County permit requirements, because the proposed modification will directly impact Diamond Bar Creek, new or altered permit obligations which are not presently a part of the proposed project would be created with the Regional Water Quality Control Board, Los Angeles Region (LARWQCB) (Section 401 water quality certification), California Department of Fish and Game (CDFG) (Section 1602 streambed alteration agreement), and United States Army Corps of Engineers (ACOE) (Section 404 permit). Any permit activities that may already be underway with those agencies would likely need to be modified based on the additional impacts resulting from the proposed storm drain improvements. Any new or altered permit requirements could result in a delay in project commencement.

6.0 CEQA COMPLIANCE

As now proposed, the Applicant seeks to retain the open Channel; therefore, modifications to the Channel associated with VTT 72295 would be minimal (e.g., an existing tributary open channel located within the "Site D" planning area and to the east of Channel will be replaced with a RCB).

Conversely, if covered, the existing open Channel would need to be removed, concrete and other materials removed from the site, grading in the vicinity of the channel would increase, a double RCB culvert (or alternative design) would need to be installed, and sufficient ground cover laid atop the subsurface facility. In order to provide adequate depth of soil atop the channel for landscaping, the Applicant's grading plans in the vicinity of the Channel and the proposed neighborhood park would likely need to be altered from the plans now before the Council.

If retained as an open Channel, only minimal modifications to that facility would be required; however, if that facility were to be covered or replaced with an underground culvert (either by the Applicant or by others), additional engineering analysis would be required by the LACDPW. Because placing a deck above or placing a lid on the existing Channel could become flow constraining and could adversely affect upstream conditions, the County would likely impose additional design requirements relative to the nature of any associated on-site improvements. In addition, recognizing that storm drain systems constitute an interrelated network, requirements for additional off-site improvements (which are now not a part of the proposed project) could be imposed by the County for adjoining segments.

Under both coverage options, the project's infrastructure improvement costs would increase and the project's effectuation could be delayed while detailed hydrology studies and engineering drawings are under review by the LACDPW and as a result of further permit review by the LARWQCB, CDFG and ACOE. To the extent that the information produced by those studies, infrastructure improvements, and permit obligations were to introduce significant new information, additional CEQA review would likely be required.

With regards to the proposed condition, insufficient information is presently available to conduct an environmental assessment of the potential impacts associated with the coverage of the Channel. Similarly, because the inclusion of that condition has the potential to alter the design and development of VTT 72295 (e.g., revisions to the conceptual park, proposed grading, and proposed drainage improvement plans), it is not known to what extent the Addendum would need to be altered and/or whether the Addendum would continue to suffice as the appropriate manner of CEQA compliance.

Attachment A

Flood Permit Application

LOS ANGELES COUNTY DEPARTMENT OF PUBLIC WORKS
FOR LOS ANGELES COUNTY FLOOD CONTROL DISTRICT

900 S. FREMONT AVE.
ALHAMBRA, CALIFORNIA 91803-1331

TRACKING NO. _____

FLOOD PERMIT APPLICATION

DATE RECEIVED: _____

OWNER/ APPLICANT: _____ TELEPHONE:(_____) _____

ADDRESS: _____
Street City Zip Code

AGENT/ CONTACT: _____ TELEPHONE:(_____) _____

ADDRESS: _____
Street City Zip Code

E-MAIL _____

SITE ADDRESS: _____
Street City Zip Code

NEAREST INTERSECTION: _____ THOMAS GUIDE: _____

SCOPE OF WORK: _____

_____

_____

_____

_____

PERSON/AGENCY RESPONSIBLE FOR THE MAINTENANCE OF THE PROPOSED FACILITY: _____ PHONE: (_____) _____

The undersigned certifies that the applicant for this permit is familiar with the requirements of the County Lobbyist Ordinance (Los Angeles County Code Chapter 2.160), and that all persons acting on behalf of the applicant have complied with and will continue to comply with this ordinance throughout the application process. **It is further agreed that the Owner/Applicant is the financially responsible party for all fees, deposits, charges, collections and refunds, regardless if payment is made by others**

Print Name of Owner/Applicant	**Signature of Owner/Applicant**	**Date**

Submittal Requirements:

1. Four sets of final construction plans (seven if the Corps is involved) with structural details and profiles of the existing and proposed facilities.
2. Two sets of letter size structural and/or hydraulic and hydrology calculations. The plans and calculations must be stamped and signed by a registered civil/structural engineer licensed to practice in the State of California.
3. Four copies of the As-Built drawings of the District's facility impacted by the proposed work and two of the right-of-way map.
4. Letter from Owner/Applicant authorizing Agent/Contact to request a permit on their behalf.
5. For storm drain connections, complete EXHIBIT "A" when applicable, and submit SUSMP.
6. Fees will be charged according to the current ordinance established by the Board of Supervisors
7. Certificate of Liability Insurance ($1 Million minimum coverage) and additional insured endorsement naming the County of Los Angeles, the Los Angeles County Flood Control District, and, when applicable, the U.S. Army Corps of Engineers as co-insured.
8. Complete and sign acknowledgement that Applicant has read, understands, and agrees to fully comply with the Best Management Practices (BMP) Attachment to this permit per Los Angeles County Code Chapter 12.80 Stormwater and Runoff Pollution Control.

The applicant must show that the proposed work will not adversely affect the District's interests; i.e., (1) Hydraulic and Hydrologic Design; (2) Structural integrity; (3) Maintenance standards; (4) District's property rights, etc.

FOR DISTRICT USE ONLY

*RECEIVED BY:*_____ *ASSIGNED TO:*_____

PAYMENT

Issuance Fee: $_____ Project No. _____
Plan Check: $_____ (Fee or AC) Project No. _____
Inspection: $_____ (Fee or AC) Project No. _____
Other: $_____ (Fee or AC) Project No. _____
Total: $_____

Suggested Routing:

☐ FMD ☐ DES-H ☐ DES-S
☐ WMD ☐ WRD ☐ MPM
☐ ACE ☐ PDD ☐ EPD
☐ AED ☐ GMED ☐ T&L
☐ RMD ☐ Road Unit
☐ Other _____

TYPE

☐ Storm Drain Connection ☐ Landscaping ☐ Overbuild ☐ Access
☐ Catch Basin Relocation ☐ Major Modifications ☐ Bridge ☐ LNO
☐ Catch Basin Modification ☐ Minor Modifications ☐ Utility Crossing ☐ Other _____

INFO

Stream/Project _____ File Code _____ P.O. # _____

PD/MTD (To be Transferred) _____ Tract/P.M. No. _____

FOR DISTRICT USE ONLY

(Preliminary Check)

General

- ❑ Incomplete packages are NOT accepted
- ❑ Plan Check and Inspection fees included
- ❑ Vicinity Map
- ❑ Affected facility (i.e. MTD, RDD, & etc.) has been transferred to the District for maintenance

General Engineering Requirements

- ❑ Two sets of calculations and/or reports stamped and signed by a Civil/Structural/Geotechnical Engineer
- ❑ Four sets of plans (seven for Army Corp facilities) signed and stamped by a Civil/Structural/Geotechnical Engineer
- ❑ Four copies of District's facility "As-Built" drawings that are affected by the proposed work
- ❑ Name of affected District facility shown on the plans for the proposed work
- ❑ Plan, Profiles, Elevations, Sections, and Details for the proposed work

Storm Drain Connections

- ❑ Existing hydraulic and hydrology data of the District's facility impacted by the proposed connection
- ❑ Obtain the "Allowable Q" from Design Division
- ❑ Revised Hydraulic calculations taking into account the proposed connection
- ❑ Water quality agreement signed and notarized (Not always required)
- ❑ Stationing along LACFCD's storm drain centerline where the proposed connection is located
- ❑ SUSMP

Catch basin relocation

- ❑ Existing catch basin hydrology and design data included.
- ❑ Revised catch basin hydrology and design data included.
- ❑ Connector pipe hydraulics.
- ❑ Street capacity calculations

Crossings over channels

- ❑ Water surface and pier loss calculations
- ❑ Structural calculations for the bridge/ utility crossing including surcharges on the District facility
- ❑ Plan and profile plans

Overbuilds

- ❑ Right-of-way letter of approval from the underlying fee owner
- ❑ Two copies of the structural calculations for added surcharges on the District facility
- ❑ Two copies of the right-of-way map
- ❑ Two copies of the easement documents (if LACFCD is not the underlying fee owner)

Utility Crossings

Under-crossing

- ❑ Plan and profile of proposed utility showing the District storm drain
- ❑ Method of support and structural calculations
- ❑ Two copies of right-of-way map and four copies of the "as built"

Over-crossing

- ❑ Plan and profile of proposed utility showing the District storm drain
- ❑ Two copies of right-of-way map and four copies of the "as built"
- ❑ Structural calculations for added surcharges on the District facility

Temporary Use

Short Term Use (less than a year)

- ❑ Liability Insurance ($1,000,000 minimum coverage) including LACFCD/LACDPW as additionally insured
- ❑ Plot plan with north arrow and limits of affected areas

Long Term Use (more than a year)

- ❑ Copy of Use Agreement, Recreation Agreement
- ❑ SDF Plot plan with north arrow and limits of affected areas

SAMPLE AUTHORIZATION LETTER
(Authorizing Company/Party Letterhead)

Date:

Los Angeles County DPW
Land Development Division
900 South Fremont Ave, 8th FL
Alhambra, CA 91803

LETTER OF AUTHORIZATION

Please be advised that (**Owner/Applicant name or company name**) authorizes (**Individual name of/or company name**) to act as an agent on my (our) behalf in all matters related to obtaining a(n) (**permit type**) permit.

Our Agent is designated and responsible for the following:

☐ Deliver our payment for fees and deposits **ONLY**.

☐ Provide payment of fees and deposits **ONLY**.

☐ Other: _____

_____

I(we) further understand and agree that I(we) shall remain responsible for all permit conditions, permit provisions, fees, deposits, refunds, additional charges and collections resulting from permit application processing, permit issuance and inspection of work.

(Signature)

(Print)
Customer Name:
Full Company Address:
Email Address:
Phone Number:
Fax Number:

LIABILITY INSURANCE:

The Permittee shall furnish the Agency a certificate of liability insurance with the Agency named as certificate holder and a copy of the Additional Insured Endorsement to the general liability insurance of the permittee's contractor. Notwithstanding any inconsistent statement in the policy or any subsequent endorsement attached thereto, the Agency shall be named as an additional insured covering the work, whether liability is attributable to the Permittee or the Agency.

1. The Permittee may file insurance acceptable to the Agency covering more than one permit. The coverage shall provide the following minimum limits:

Bodily Injury	$ 250,000 each person
	$ 500,000 each occurrence
	$ 500,000 aggregate products and completed operations
Property Damage	$ 100,000 each occurrence
	$ 250,000 aggregate

2. A combined single limit policy with aggregate limits in the amount of $ 1,000,000 will be considered equivalent to the required minimum limits.

All liability insurance policies shall bear an endorsement or shall have attached rider whereby it is provided that, in the event of expiration or proposed cancellation of such policies for any reason whatsoever, the Agency shall be notified by mail, giving a sufficient time before the date thereof to comply with any applicable law or statute, but in no event less that 30 days before expiration or cancellation is effective.

The Additional Insured Endorsement to the general liability insurance must contain the following language:

> "The County of Los Angeles and public entity or Special District for which the Los Angeles County Board of Supervisors is the Governing Body, and their Agents, Officers and Employees, shall be Additional insured(s) while acting within the scope of their duties against all claims arising out of or in connection with the work to be performed."

ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

PRODUCER

INSURANCE BROKER OR COMPANY NAME AND CONTACT INFORMATION, INCLUDING EMAIL ADDRESS

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE	NAIC #
INSURER A:	
INSURER B:	
INSURER C:	
INSURER D:	
INSURER E:	

INSURED

COMPANY NAME AND CONTACT INFORMATION, INCLUDING *A VALID* EMAIL ADDRESS

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	ADD'L INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
		GENERAL LIABILITY				EACH OCCURRENCE	$
		☐ COMMERCIAL GENERAL LIABILITY				DAMAGE TO RENTED PREMISES (Ea occurence)	$
		☐ ☐ CLAIMS MADE ☐ OCCUR				MED EXP (Any one person)	$
		☐ _____				PERSONAL & ADV INJURY	$
		☐ _____				GENERAL AGGREGATE	$
		GEN'L AGGREGATE LIMIT APPLIES PER:				PRODUCTS - COMP/OP AGG	$
		☐ POLICY ☐ PRO-JECT ☐ LOC					
		AUTOMOBILE LIABILITY				COMBINED SINGLE LIMIT (Ea accident)	$
		☐ ANY AUTO					
		☐ ALL OWNED AUTOS				BODILY INJURY (Per person)	$
		☐ SCHEDULED AUTOS					
		☐ HIRED AUTOS				BODILY INJURY (Per accident)	$
		☐ NON-OWNED AUTOS					
		☐ _____				PROPERTY DAMAGE (Per accident)	$
		GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT	$
		☐ ANY AUTO				OTHER THAN AUTO ONLY: EA ACC	$
						AGG	$
		EXCESS/UMBRELLA LIABILITY				EACH OCCURRENCE	$
		☐ OCCUR ☐ CLAIMS MADE				AGGREGATE	$
							$
		☐ DEDUCTIBLE					$
		☐ RETENTION $					$
		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				☐ WC STATU-TORY LIMITS ☐ OTH-ER	
		ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?				E.L. EACH ACCIDENT	$
		If yes, describe under SPECIAL PROVISIONS below				E.L. DISEASE - EA EMPLOYEE	$
						E.L. DISEASE - POLICY LIMIT	$
		OTHER					

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

Please provide specific details such as project location, type of work, application tracking number, permit number, etc...

CERTIFICATE HOLDER

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
LAND DEVELOPMENT DIVISION
P. O. BOX 1460
ALHAMBRA, CA 91802-1460
ATTENTION: _____

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER SHALL MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER.

AUTHORIZED REPRESENTATIVE

POLICY NUMBER:

COMMERCIAL GENERAL LIABILITY
CG 20 12 05 09

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – STATE OR GOVERNMENTAL AGENCY OR SUBDIVISION OR POLITICAL SUBDIVISION – PERMITS OR AUTHORIZATIONS

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

State Or Governmental Agency Or Subdivision Or Political Subdivision:
The County of Los Angeles and public entity or Special District for which the Los Angeles County Board of Supervisors is the Governing Body, and their Agents, Officers and Employees, shall be Additional insured(s) while acting within the scope of their duties against all claims arising out of or in connection with the work to be performed.
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

Section II – Who Is An Insured is amended to include as an insured any state or governmental agency or subdivision or political subdivision shown in the Schedule, subject to the following provisions:

1. This insurance applies only with respect to operations performed by you or on your behalf for which the state or governmental agency or subdivision or political subdivision has issued a permit or authorization.
2. This insurance does not apply to:
   a. "Bodily injury", "property damage" or "personal and advertising injury" arising out of operations performed for the federal government, state or municipality; or
   b. "Bodily injury" or "property damage" included within the "products-completed operations hazard".

016581

LOS ANGELES COUNTY DEPARTMENT OF PUBLIC WORKS

Acknowledgement Best Management Practices (BMP) Attachment

DATE: _____ PERMIT NO. _____

OWNER/APPLICANT: _____ PHONE: ( )

PRINT NAME **WET SIGNATURE (REQUIRED)**

ADDRESS: _____

STREET CITY ZIP CODE

FAX: ( ) CELL: ( ) EMAIL ADDRESS: _____

AGENT/CONTACT: _____ PHONE: ( )

PRINT NAME **WET SIGNATURE (REQUIRED)**

ADDRESS: _____

STREET CITY ZIP CODE

FAX: ( ) CELL: ( ) EMAIL ADDRESS: _____

hereby acknowledges reading, understanding, and agreeing to comply with the Best Management Practices (BMP) Attachment in accordance with Los Angeles County Code Chapter 12.80 Stormwater and Runoff Pollution Control.

SITE ADDRESS: _____

Street City Zip Code

NEAREST INTERSECTION: _____ THOMAS GUIDE: _____

PLEASE SUBMIT THIS DOCUMENT WITH THE APPLICATION

Best Management Practices (BMPs)
Attachment

The Los Angeles County Department of Public Works (LACDPW) requires Permittees and their contractors to implement a program to effectively control water pollution during all Permit construction projects. This project shall conform with the requirements of the following County Code and Permits:

- Los Angeles, California County Code Chapter 12.80 Stormwater and Runoff Pollution Control
- Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges within the County of Los Angeles, and the Incorporated Cities Therein, Except the City of Long Beach (Order No. 01-182, National Pollutant Discharge Elimination System [NPDES] No. CAS004001),
- NPDES General Permit No. CAS000002, Order No. 99-08-DWQ, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activities.

The Permittee or Authorized Representative and their contractors shall know and fully comply with the applicable provisions of these permits and Federal, State and local regulations that govern the Permittee or Authorized Representative's operations and the storm water discharges from the project site.

In order to ensure a minimum level of water quality control, the Permittee or Authorized Representative and their contractors shall effectively implement and maintain appropriate Best Management Practices (BMPs) shown in Table 1. In addition, the Permittee or Authorized Representative and their contractors shall comply with the following requirements:

- Sediments shall not be discharged to the storm drain system or receiving waters. Sediments generated on the construction site shall be retained.
- No construction-related materials: waste, spills, or residue shall be discharged from the project site to streets, drainage facilities, receiving waters, or adjacent property by wind or runoff.
- Non-storm water runoff from equipment, vehicle washing, or any other activity shall be contained within the project site using appropriate BMPs.
- Erosion from slopes and channels shall be prevented.
- Minimize grading during the wet season (October 15 through April 15). All erosion susceptible slopes shall be covered, planted, or protected in any way that prevents sediment discharge from the project site.

BMPs shall conform to the requirements in the LACDPW Construction Division's "Construction Site Best Management Practices (BMPs) Manual," and addenda thereto issued up to and including, the date of issuance of the Permit for the project. Copies of the Manual are available for purchase from:

Los Angeles County Department of Public Works
Cashier's Office
900 South Fremont Avenue
Alhambra, CA 91803
Telephone (626) 458-6959

Year-Round Implementation Requirements

The Permittee or Authorized Representative and their contractors shall have an effective program for implementing, inspecting, and maintaining water pollution control practices for wind erosion control, tracking control, non-storm water control, and waste management and materials pollution control.

Soil stabilization and sediment control practices shall be provided throughout the rainy season, defined as between October 15 and April 15, and whenever the National Weather Service predicts rain within 24 hours. The National Weather Service weather forecast shall be monitored and used by the Permittee on a daily basis.

The non-rainy season shall be defined as all days outside the defined rainy season. Disturbed soil areas within the project shall be protected in conformance with the requirements in the Construction Site BMP Manual with sediment controls implemented prior to a predicted rain event.

Maintenance and Inspection

The Permittee or Authorized Representative and their contractors shall be responsible throughout the duration of the project for installing, constructing, inspecting, maintaining, removing and disposing of the BMPs. Unless otherwise directed by LACDPW, the Permittee or Authorized Representative and their contractors are responsible for BMP implementation and maintenance throughout any temporary suspension of work. The Permittee or Authorized Representative shall reimburse LACDPW for the full costs of cleaning or repairing of storm drain, water course, or channel which may be necessary due to ineffective implementation of BMPs.

The project site shall be inspected by the Permittee or Authorized Representative or their contractors a minimum of once every week or at least once for projects that last only one week or less.

Report of Non-Permitted Discharge and Enforcement

If the Permittee or Authorized Representative or their contractors identify any non-permitted discharge into the storm drain system or receiving waters in a manner causing, or potentially causing, a condition of pollution, or if the project receives a written notice or order from any regulatory agency, the Permittee or Authorized Representative or their contractors shall immediately inform LACDPW Construction Division Permits Section by calling the assigned Field Office. The Permittee or Authorized Representative or their contractors shall submit a written report (see attached Notice of Non-Permitted Discharge) to the LACDPW within 5 days of the discharge event, notice or order.

The Permittee or Authorized Representative and their contractors are subject to enforcement action by Chapter 12.80 of the Los Angeles County Code that states, *"Any person, firm, corporation, municipality or district or any officer or agent of any firm, corporation, municipality or district violating any provision of this chapter shall be guilty of a misdemeanor. Such violation shall be punishable by a fine of not more than $1,000 or by imprisonment in the county jail for a period not to exceed six months, or by both fine and imprisonment. Each day during any portion of which such violation is committed, continued or permitted shall constitute a separate offense and shall be punishable as such (Ord. 98-0021§1(part), 1998)."*

In addition, the Permittee or Authorized Representative and their contractors are subject to enforcement action by the State Water Resources Control Board (SWRCB), Environmental Protection Agency, private citizens and citizen groups. The Permittee or Authorized Representative and their contractors shall be responsible for the costs and for liabilities imposed by law as a result of the Permittee or Authorized Representative or their contractor's failure to

comply. Costs and liabilities include, but are not limited to, fines, penalties and damages whether assessed against LACDPW or the Permittee or Authorized Representative or their contractors, including those levied under the Federal Clean Water Act and the State Porter Cologne Water Quality Act.

Table 1
Construction Site BMPs

ID	BMP Name	Minimum Requirement[1]
Temporary Soil Stabilization		
SS-1	Scheduling	X[2]
SS-2	Preservation of Existing Vegetation	X[2]
SS-3	Hydraulic Mulch[3]	
SS-4	Hydroseeding[3]	
SS-5	Soil Binders[3]	
SS-6	Straw Mulch[3]	
SS-7	Geotextiles, Plastic Covers, & Erosion Control Blankets/Mats[3]	
SS-8	Wood Mulching	
SS-9	Earth Dikes/Drainage Swales & Ditches	
SS-10	Outlet Protection/Velocity Dissipation Devices	
SS-11	Slope Drains	
SS-12	Streambank Stabilization	
Temporary Sediment Control		
SC-1	Silt Fence[4]	
SC-2	Desilting Basin	
SC-3	Sediment Trap	
SC-4	Check Dam	
SC-5	Fiber Rolls[4]	
SC-6	Gravel Bag Berm[4]	
SC-7	Street Sweeping and Vacuuming	X[2]
SC-8	Sandbag Barrier[4]	
SC-9	Straw Bale Barrier[4]	
SC-10	Storm Drain Protection	X[2]
Wind Erosion Control		
WE-1	Wind Erosion Control	X[2]
Tracking Control		
TC-1	Stabilized Construction Entrance/Exit	
TC-2	Stabilized Construction Roadway	
TC-3	Entrance/Outlet Tire Wash	

Table 1 (continued) Construction Site BMPs		
ID	**BMP Name**	**Minimum Requirement[1]**
Non-Storm Water Management		
NS-1	Water Conservation Practices	
NS-2	Dewatering Operations[5]	
NS-3	Paving and Grinding Operations	
NS-4	Temporary Stream Crossing	
NS-5	Clear Water Diversion	
NS-6	Illicit Connection/Illegal Discharge Detection and Reporting	X[2]
NS-7	Potable Water/Irrigation	
NS-8	Vehicle Equipment Cleaning	X[2]
NS-9	Vehicle Equipment Fueling	X[2]
NS-10	Vehicle Equipment Maintenance	X[2]
NS-11	Pile Driving Operations	
NS-12	Concrete Curing	
NS-13	Material and Equipment Use Over Water	
NS-14	Concrete Finishing	
NS-15	Structure Demolition/Removal Over or Adjacent to Waters	
NS-16	Temporary Batch Plant	
Waste Management and Material Pollution Control		
WM-1	Material Delivery	X[2]
WM-2	Material Use	X[2]
WM-3	Stockpile Management	
WM-4	Spill Prevention and Control	X[2]
WM-5	Solid Waste Management	X[2]
WM-6	Hazardous Waste Management	
WM-7	Contaminated Soil Management	
WM-8	Concrete Waste Management	
WM-9	Sanitary/Septic Waste Management	X[2]
WM-10	Liquid Waste Management	

[1] Additional BMPs may be required based on actual field condition, Contractor operations, or construction operations.

[2] Not all minimum requirements may be applicable to every project. Applicability to a specific project shall be verified by the Permittee or Authorized Representative and their Contractor.

[3] The Permittee or Authorized Representative and their Contractors shall select one of the identified soil stabilization BMPs or a combination thereof.

[4] The Permittee or Authorized Representative and their Contractors shall select one of the identified sediment control barrier BMPs or a combination thereof.

[5] Dewatering BMPs are required for discharging accumulated precipitation (rain and snow melt) and for potential contact with groundwater during excavation. Separate permit requirements are applicable for construction dewatering of groundwater.

Notice of Non-Permitted Discharge

To: _____ **Date:** _____

Subject: **Notice of Discharge**

Project Name: _____

Permit Number: _____

Date, time, and location of discharge: _____

Type of operation that resulted in the discharge: _____

Describe any adverse impacts resulting from the discharge: _____

Describe existing BMP(s) in place prior to the discharge event: _____

Date and type of corrective action or BMPs deployed after the discharge: _____

Proposed corrective actions to be taken to reduce, eliminate, and/or prevent recurrence of the discharge: _____

_____	_____
Name of Contact Person	*Title*
_____	_____
Company	*Telephone Number*
_____	_____
Signature	*Date*

Attachment B

County Permit Policies

PERMIT POLICY DURING THE STORM SEASON

While it is the Department's Standard policy to not allow permitted work within a flood control facility during the specified storm season, we recognize the necessity of sometimes working within channels during the storm season. Although each case must be evaluated separately, the following guidelines are intended to serve as consistent instruction for reviewing such cases.

CHANNELS

Army Corps Constructed Channels- No construction work whatsoever affecting the channel structure or carrying capacity during the period of October 15 to April 15. Access with mobile equipment, to be removed at the end of each workday, is allowed with a 5-day clear weather forecast. No storage of equipment and materials is allowed within the channel/storm drain.

Storm drain connection work is allowed if:

1. Connecting pipe size is 24-in. or less in diameter
2. Five-day clear weather forecast
3. Seal the opening on the channel with a ½-inch steel plate extending 6-inches beyond the opening in all directions at the end of each day.
4. Plate edges must be impermeable and secured with ½- inch diameter bolts spaced at 12-inches.
5. Channel is rectangular (No connections to trapezoidal channels are allowed)

L.A. County Flood Control District Channels- Limited work is allowed within the channels as long as full capacity can be maintained or restored within 5-days of predicted rain. Access with mobile equipment, to be removed at the end of each workday, is allowed with a 5-day clear weather forecast. No storage of equipment and materials is allowed within the channel/storm drain.

Storm drain connection work is allowed if:

1. Connecting pipe size is 24-in. or less in diameter
2. Five-day clear weather forecast
3. Seal the opening on the channel with a ½-inch steel plate extending 6-inches beyond the opening in all directions at the end of each day.
4. Plate edges must be impermeable and secured with ½- inch diameter bolts spaced at 12-inches.
5. Channel is rectangular (No connections to trapezoidal channels are allowed)

UNDERGROUND STORM DRAINS

Limited work is allowed within the underground storm drains as long as full capacity can be maintained or restored within 5-days of predicted rain.

Storm drain connection work is allowed if:

1. Connecting pipe size is 24-in. or less in diameter
2. Five-day clear weather forecast

3. For concrete box mainlines seal the opening of the breakout limits with a ½-inch steel plate extending 6-inches beyond the opening in all directions at the end of each day.
4. Plate edges must be impermeable and secured with ½- inch diameter bolts spaced at 12-inches.
5. For pipe to pipe connections the work must be started and completed prior to any forecasted rain.

During the period from April 15 to October 15, falsework and cofferdams may be placed and excavations made in the channel. However, capacity to convey flows around any obstructions or openings in the channel lining shall be provided as follows:

April 16 to May 31: 33% of design capacity.
June 1 to August 31: 5% of design capacity.
September 1 to October 14: 33% of design capacity.

Hydraulic calculations substantiating capacity must be reviewed and approved prior to start of construction.

Attachment C

County Guidelines for Overbuilding and Air Rights

LOS ANGELES COUNTY
DEPARTMENT OF PUBLIC WORKS

LOS ANGELES COUNTY FLOOD CONTROL DISTRICT

GUIDELINES

FOR

OVERBUILDING AND AIR RIGHTS

CONSTRUCTION DIVISION - PERMITS AND SUBDIVISIONS SECTION

REVISED JUNE 2004

CONTENTS

GUIDELINES
FOR
OVERBUILDING AND AIR RIGHTS

A. INTRODUCTION

The purpose of these guidelines is to provide information relative to the various possible uses by other parties of the District's rights of way for overbuilding open channels and covered storm drains to create surface areas, to identify and resolve areas of incompatibility, and to provide the basic requirements for specific proposals that will maximize the long-range benefits to the public and the District.

The guidelines recognize that channels and their rights of way, in addition to providing flood protection, have the potential as transportation, utility, and recreational corridors, for overbuilding for public housing development, and are also desired by some communities as open space areas. Requirements are included to protect the District's interest to ensure that proper operation and maintenance of the channels and other uses can be accomplished.

Private parties are encouraged to use District's rights whenever a proposal is found to be compatible with District's needs and authorized or planned uses by others. To this end, the District's goal is to allow utilization of its rights of way to the most efficient degree possible.

B. GENERAL REQUIREMENTS

1. Joint Use Right of Way

   Interested public agencies and developers should consult the District at an early stage regarding joint use, the extent of the rights held by the District, and the areas that may be reserved for other public uses. In some instances, competitive bidding for use of the right of way and air rights may be required. In those instances where District's holding is not of sufficient size to be useful in itself and a proposal is received to utilize District's open channel in conjunction with adjoining ownership, a bidding proposal will not be undertaken.

   For operating right of way, overbuilding by others will be allowed provided District needs for flood control and all existing foreign uses authorized by the District are protected or provided for as further described in Item 3 below. Proposed uses must accommodate recreational, utility, transportation, public housing, and open space requirements that are programmed for the channel in question.

2. Master Planning

   District is developing a Property Use Plan (PUP) for each major flood control channel to ensure that the channel rights of way are developed in a manner compatible with the adjoining properties and yield the maximum benefit to the local community. Proposals should be in conformance with the plan; however, if a desired use is different, the applicant will be required to submit a change (amendment) to the plan for approval. An amendment may be acceptable, provided the change for a particular reach of channel is between successive streets and approved by the local planning agency. Also, all environmental requirements will have to be fulfilled to the satisfaction of the lead agency.

3. Compatibility

a. Joint use will have to provide for District's paramount right to use its right of way for flood control purposes and shall not adversely affect design, construction, operation, maintenance, or integrity of District's existing or proposed facilities.

b. A facility that may affect any non-District installations shall be designed, constructed, operated, and maintained to be compatible with them. All approvals required of other agencies and parties shall be the responsibility of the applicant. District will make its records available regarding other permittees and users of its right of way.

c. Public agencies needs, including, but not limited to, recreation, transportation, overbuilding for public housing, and open space, either authorized or proposed, will have to be accounted for by joint use. Recreation and transportation standards will be provided by the District for each proposal.

d. Joint uses will have to comply with all State, County, and local zoning and building regulations. The District wishes to remain a "good neighbor" to the surrounding area and will not allow a use that it or the local community would find objectionable. Therefore, proposals should be aesthetically pleasing, compatible with surrounding areas, conducive to long-term use, and reflect good planning.

4. Indemnifications and Insurance

Unless otherwise waived by the District, upon a showing of adequate ability to indemnify the District, all users shall furnish the District a policy of insurance coverage naming the District (and the U.S. Army Corps of Engineers, when applicable) as coinsured. The coverage shall indemnify the District against any loss or damage as may be required by the District but not less than $250,000/$1,000,000 for liability and $250,000 for property damage, all as further described in the lease document to be entered into by applicant. Applicant will also be required to provide a policy of fire and extended coverage insurance. The amount of the insurance will be dependent on the full replacement value of the channel cover and appurtenant structures.

C. CONSTRUCTION REQUIREMENTS

1. Types of Overbuilding

The methods introduce here serve as a general guidelines only. Each case is different and will have to be considered case by case. There are three basic methods of overbuilding (see pages 11, 12, and 13 of Section I). Method "A" is to keep the cover above the channel as low as possible and do away with District access roads and fences. Method "B" is to keep the structure well above the top of the channel so as to allow continuous access to the channel for cleaning and maintenance of the channel, recreational trails, and transportation or utility corridors. In general, Method "A" can be used for channels less than 25 feet wide. Method "B" can be used for channels over 60 feet wide. Method "A" may be used for channels between 25 feet and 60 feet wide if it can be shown to the District's satisfaction that no special side drainage, channel maintenance, recreation, or corridor use problems exist. Method "C" is for building over underground conduits.

2. Criteria for Design and Analysis of Overbuilding

Plans and calculations submitted for overbuilding must be signed by a civil or structural engineer licensed to practice in the State of California.

Cover systems, protective devices, and conduits shall be designed and/or analyzed based on loads and criteria consistent with the intended use of the area, but shall result in a system not less than one meeting the following requirements:

a. Dead Loads:

Earth Loads:

Vertical and lateral loads are to be in accordance with the District's Structural Design Manual. Overburden must be shown on the drawings.

Structure Loads:

The loads to be used are the actual direct loads or as transmitted through earth fill as determined by a recognized method (e.g. Bousinesq).

b. Live Loads:

Railroad Bridges or Crossings:

Cooper E Loads are to be determined by servicing or franchised railroad. Distribution of loads and impact is to be as shown in District's Structural Design Manual.

Highway Bridges, Street Crossing, and Ingress and Egress Routes:

HS-20 truck loading with impact in accordance with ASSHTO Standard Specifications for Highway Bridges is to be used.

Parking or Exterior Storage:

A uniform load consistent with type of storage or parking is to be used, 100 psf minimum, plus one HS-20 truck with impact, placed at locations to provide maximum stresses. The uniform load does not have to occupy the area of the truck. Minimum truck impact shall be 10 percent of the live load.

Interior Storage and Other Structures:

The load shall be consistent with use as accepted by the jurisdictional Building Department.

Other Areas not Normally Accessible by Vehicles or Covered by a Structure:

H-15 truck with impact of at least 10 percent is to be used.

c. Wide and Seismic Loads:

The loads are to be as accepted by the jurisdictional Building Department.

d. Design Methods and Stresses:

Railroad Bridges or Crossing:

Design is to be in accordance with the AREA Manual for Railroad Engineering.

Highway Bridges, Street Crossings, and Ingress and Egress Routes:

Design is to be in accordance with the AASHTO Standard Specifications for Highway Bridges. Concrete design may be either working stress or strength in accordance with American Concrete ACI 318 except that load factors for strength design shall be per AASHTO. Concrete structures maintained by the District are to be analyzed using the working stress method only.

All Others:

Design is to be in accordance with the AISC Manual of Steel Construction, Nation Design Specification for stress-grade lumber or ACI 318, as appropriated, nothing that concrete structures maintained by the District are to be analyzed using the working stress method.

e. Foundations:

Directly on drain:

1) Structure must be removable if not required for stability of the drain.

2) The storm drain must not be over-stressed by the structure. An engineering analysis of all elements of the storm drain structure must be submitted. The analysis is to be based on methods and loads shown in the District's Structural Design Manual in addition to surcharge loads due to permit work.

3) Where appropriate, a soil investigation and report will be required.

Independent but Surcharge Drain (including surcharge fill):

1) Same as No. 2 above.

2) The structure must provide a minimum of 6-inches horizontal clearance from any element of the drain, including subdrain pipes and at least 18-inches vertical clearance from a box or pipe conduit, and 6-inches vertical clearance from an open channel.

3) A soils engineer must analyze the foundation. Analysis is to include a soil investigation and report. Exploratory excavations must extend below foundation. Analysis must also include uplift pressures on the invert where appropriate.

No Effect on Drain:

1) Same as No. 2 and 3, above (independent but surcharge drain). Piles must be sleeved, as necessary; to prevent drag forces on the drain and bearing areas must be sufficiently deep so as not to produce uplift pressures.

2) The hydraulic capacity of flood control facility will have to be maintained. Normally, no construction will be allowed below the top of the channel walls if it encroaches within the design freeboard area. Types of structure for the covering will be specified to allow for standardizing the types of construction whenever possible.

3) The U.S. Army Corps of Engineers is conducting a hydrologic study of various drainage areas (LACDA project). Therefore, any proposed development may have to provide for existing channels to be widened or for channel walls to be heightened. The District will provide information relative to the status and/or requirements of this study or other controls that must be met.

4) Any proposed development should provide a means for local run-off to enter the channel after said channel has been covered. Side drainage problems also should be investigated where a channel is below the surrounding ground level and existing side drains are inadequate or designed to a lesser frequency than the main channel. In these cases, interested parties will be required to do one or all of the following: (1) construct additional drainage inlets, (2) leave a section of channel uncovered, or (3) use Method "B" for overbuilding (see page 13). Channel covering usually requires that access facilities to the channel invert be constructed also. See Section D, Operational Requirements, for more information.

3. Aesthetic Requirements

Surface structures shall be constructed to be aesthetically compatible with the area and District's facilities based on current standards and economic feasibility. Landscaping or other aesthetic measures may be required to mitigate the impact of structures on its environs.

D. OPERATIONAL REQUIREMENTS

To optimize safety and ensure the hydraulic and structural integrity of a particular flood control channel, the District and the U.S. Army Corps of Engineers have a number of operational requirements that must be met by every joint use proposal. The following is a list of the major requirements. Please note that this list should not be considered complete or absolute. The requirements are:

1. Access into a covered channel is required every 500 feet. This access is usually of a pedestrian nature and could be in the form of manholes, ladders, etc.

2. Adequate clearances inside the channel (a minimum height of channel wall) must be maintained throughout the channel for the transportation of heavy equipment used in channel repair, bridge, and bridge abutment repair, etc.

3. In the event the channel is to be covered, adequate ventilation must be provided to prevent the build-up of noxious or volatile fumes. A short reach of the channel, 30 feet or so, to remain uncovered, thereby aiding channel maintenance and repair in that equipment and material could be lowered into or removed from the channel.

E. RIGHT OF WAY AVAILABILITY

1. Operating Right of Way

   a. Fee Title

      Generally, joint uses may be authorized on rights of way held in fee by the District. However, there may be legal encumbrances in the form of prior easements, leases, and rental agreements, which may have to be cured prior to the proposed joint use. Also, "paper streets" or unused easements for public street purposes may exist. There also may be other conditions, covenants, and restrictions to the District's title. Since perfecting title is very time-consuming, all proposals for joint use should be submitted as early as possible for right of way clearance.

   b. Much of the District's right of way is in the form of flood control easements. Where long reaches of fee are interspersed with short reaches of easements, it may be economically feasible to acquire the underlying fee.

   c. All costs attendant to perfecting title or acquiring the underlying fee will be borne by the proposed developer or public agency.

2. Excess Right of Way

   District has, in addition to its operating right of way, excess property holdings, both in fee and easement. In most instances, the fee property can be incorporated into the joint use proposal. For an easement area, approval of the underlying fee owner will be required.

F. OTHER REQUIREMENTS

1. Where the applicant is a private organization, after approval of the concept by the District, for fee-owned rights of way, an agreement to lease (option) will be entered into between District and applicant. This will give the applicant assurance that the right of way is available for consideration by the applicant as to duration and terms.

2. In addition to the General Provisions of District's standard permit to be issued for construction, special provisions my be required because of the nature, design, or location of proposed installation.

3. Construction must commence within six months of date of permit unless otherwise approved by Chief Engineer and be completed in accordance with an approved schedule.

4. Construction work within the channel rights of way involving removal and restoration of the channel structure, excavation, and backfill shall be accomplished during the period of April 15 to October 15.

5. As-built drawings and installation of identification markers for subsurface structures will be required by the District. Markers must not be placed so as to interfere with use of District's vehicular service roads.

6. Any relocation of survey monuments defining District's right of way boundaries will be performed by District's surveyors with the permittee underwriting the costs of such relocation.

G. DOCUMENTS

The District will allow overbuilding and use of air rights by a long-term lease over fee-owned property. These lease documents will provide for protection of the District's interest if nonpayment occurs, liability, etc.

The leave will contain requirements that will protect the District's interest and provide for rental income. The District will monitor the lease throughout its term to ensure compliance with provisions. The term of the lease will be for a period long enough for a developer to amortize the cost of covering the channel and his construction loan, plus an additional time period (usually ten years) to obtain a return on his investment.

The amortization of the cost to cover the channel may be reflected in the rent. The rent will be based on Fair Rental Value (FRV) of the property. If the appraisal approach considers channel cover as an on-site improvement, there will not be an amortization period for the cost of cover. Periodically, increases in rent based on fixed step increases or changes in the Wholesale Price Index (WPI) or periodic review of FRV, as the situation calls for, will be assessed.

The lease will contain an option period to provide a developer time to complete the environmental considerations, complete the permit process, and obtain a lender.

Where District has easement rights, overbuilding by the underlying fee owner can most likely be handled by permit with some type of mutually agreed upon maintenance agreement. In addition, because the District's easement for flood control purposes is, in some instances, tantamount to having the fee ownership, compensation will be required from the permittee because of the reduction in the District's use of its right of way to that of an easement for a covered drain; i.e., loss of surface use. Should the permittee be someone other than the underlying fee owner, evidence of approval of the fee owner would also be required.

H. PROCEDURE TO BE FOLLOWED FOR USE OF DISTRICT'S FACILITIES BY OTHERS

1. Prospective users must submit a written application for overbuilding or covering of open channels for proposed surface use and/or air rights use. This application should be addressed to:

   Los Angeles County Department of Public Works
   Construction Division
   Permits and Subdivisions Section - 8th Floor
   900 South Fremont Avenue
   Alhambra, CA 91803-1331

   Early application, particularly for a major installation, is recommended. The following information is required:

   a. Six sets of preliminary drawings showing the location of the proposed covering, the desired surface use, the existing flood control facilities and stationing, and the District's right of way.
   b. Owner of proposed improvement.
   c. Preliminary construction program.
   d. Required time of land use.

District's review will be to determine the overall acceptability of the proposal and, if readily available, the approximate annual cost for leasing should the District's property be fee owned. If the District responds favorable to this application, a meeting will be arranged with the applicant and representatives of the District's Mapping and Property Management Division to discuss the criteria to be used for submittal of preliminary plans and general terms for leasing the District's properties and/or maintenance responsibilities.

2. Applicant shall submit six sets of preliminary plans and design calculations, structural and hydraulic, if necessary for approval, and two copies of the Draft Environmental Impact Report (if required by an appropriate authority) when available. At this time, a deposit for the plan review will be required. The fees for checking of plans for covering of channels, including structural or hydraulic or other review as deemed necessary by the District are based on the current fee schedule adopted by the Board of Supervisors. Presently the fees are: Case I; clear span, actual cost to the District ($500 min.) and Case II; all others, actual cost to the District ($600 min.). After preliminary plans have been approved, a final submittal must be made prior to issuance of construction permit. This final submittal should contain the following:

   a. Four sets of final construction plans signed by a civil or structural engineer licensed to practice in California, showing proposed covering of channel. Plans should show existing improvements (both District and foreign in the construction area) and proposed improvements over proposed covering, District right of way limits, working areas, existing utilities, etc. In connection therewith, applicant will be responsible for inspecting the right of way, searching all available records, and ascertaining all foreign users of the rights of way. The District will aid in providing all its information regarding permits issued by the District.

   b. Inspection fees\deposits are based upon estimated actual cost determined by District; should the cost be less, the District will refund the difference. If the cost is more, applicant will submit additional amount.

3. Upon review and approval of the final submittal, and payment of all fees, including deposit for first year's rental for leases, District will issue a construction permit. Approval of construction will be valid only to the extent of District jurisdiction. Also, the District may require a performance bond and liability insurance to protect the District's interest.

4. After the District responds favorably to this application, an Agreement to Lease (option) can be entered into between District and applicant. This commitment will be honored by the District for a period of one full year or longer, if so specified in the Agreement. At this time, the applicant will be required to deposit funds for preparation of the Agreement and the appraisal to determine the annual lease cost. These costs will be credited to applicant in the first year's rent should lease be finalized, otherwise the fees deposited will be waived. Note: In the event the applicant needs to know the cost prior to preparation of preliminary plans and finalization of the lease arrangement, applicant will be required to deposit funds for the District's cost for the work. Cost will be credited for first year's rent as stated above.

5. Applicant may proceed with construction under terms and conditions of the permit. Construction must be initiated within one year of the date of issuance of permit unless otherwise approved by the Chief Engineer.

6. The District will prepare the appropriate document or lease, in accordance with the terms of the Agreement previously entered into.

7. Upon completion of construction, one set of reproducible as-built drawings shall be submitted to the District within 180 days.

8. In the event time warrants, one document only (lease) may be sued for the right of way negotiations. The document should be fully executed (signed by both parties) prior to submittal of final plans and before a construction permit is issued. Execution of the lease first is satisfactory with District provided applicant understands and accepts the fact that the plan review and issuance of the permit takes 30 to 60 days to complete. If there is a deadline for the applicant, the plans should include this time period.

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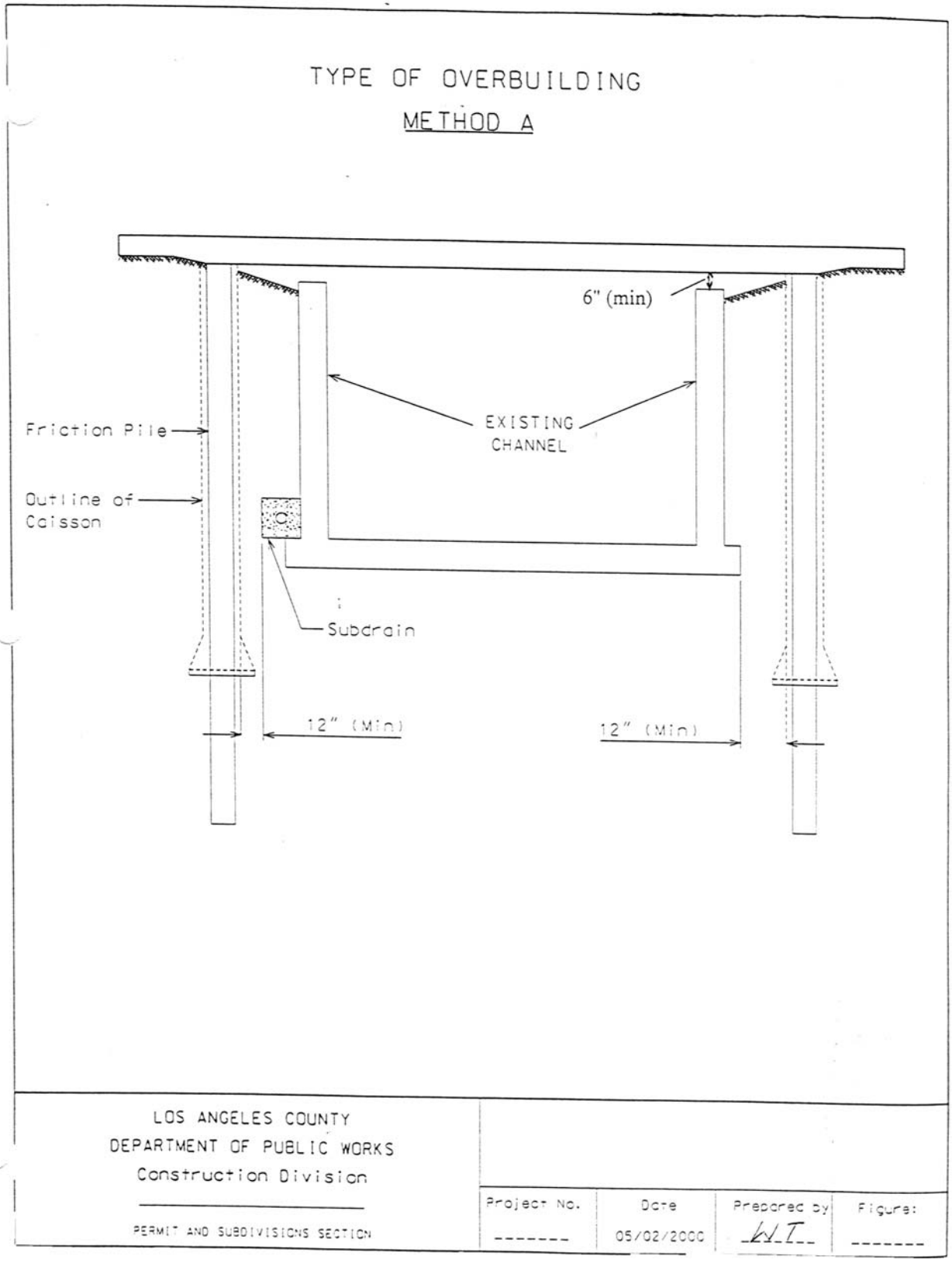
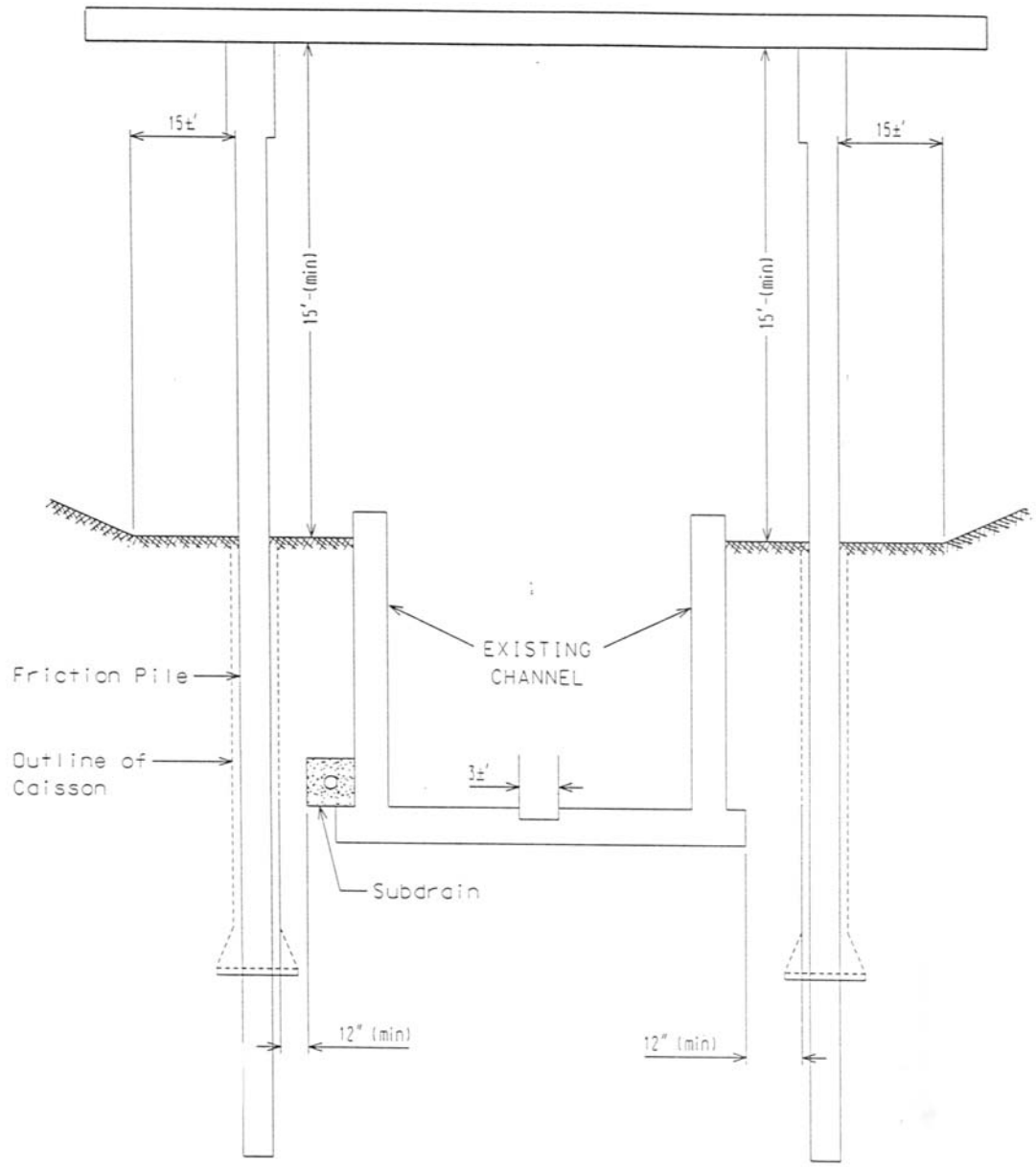
I. EXAMPLES OF OVERBUILDING



TYPE OF OVERBUILDING

METHOD B



LOS ANGELES COUNTY
DEPARTMENT OF PUBLIC WORKS
Construction Division

PERMIT AND SUBDIVISIONS SECTION

Project No.	Date	Prepared by	Figure:
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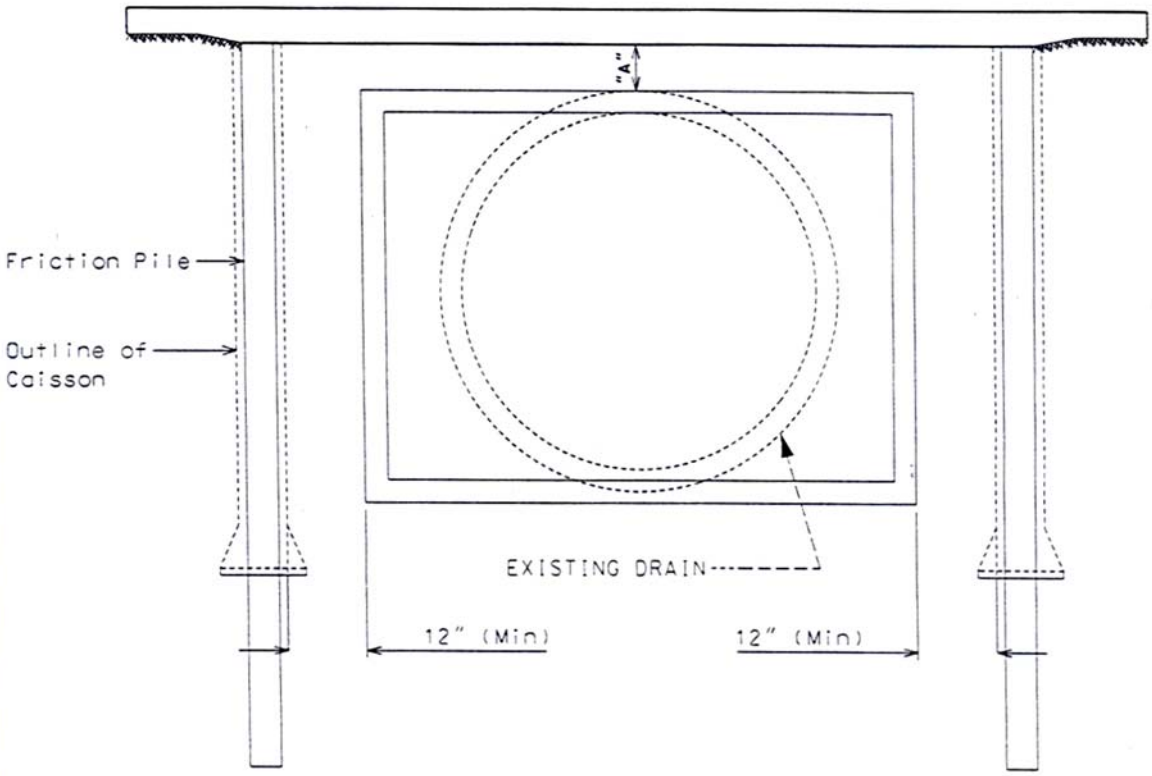
TYPE OF OVERBUILDING

METHOD C



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LOS ANGELES COUNTY
DEPARTMENT OF PUBLIC WORKS
Construction Division

PERMIT AND SUBDIVISIONS SECTION

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Attachment D

Urban Freeway Cap Parks

Urban Freeway Cap Parks
Policy Briefing Paper

Considering the Barriers and Opportunities for More Park Space in Los Angeles
Project ID #103

Prepared by:
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University of Southern California

Prepared for:
Los Angeles Sustainability Collaborative

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ACKNOWLEDGEMENTS

This policy briefing paper is the product of more than just my own efforts. Special thanks to all those who have provided valuable feedback and support: my wife Susan; Dr. David Sloane of the USC School of Policy, Planning, and Development; David Berneman and Mara Elana Burstein of the Los Angeles Sustainability Collaborative; Vaughan Davies of AECOM; Gerdo Aquino of SWA Group; Professor Andrea Hricko of the USC Keck School of Medicine; Laurie Goldman of Friends of the Hollywood Central Park; and Julie Yom.

EXECUTIVE SUMMARY

Cap parks, also referred to as highway or deck parks, are parks built over segments of freeways that are below grade. Four major cap park proposals are currently being considered in the Los Angeles region, including the Hollywood Central Park, PARK 101 in downtown, and two smaller cap parks in Santa Monica. This policy briefing paper is intended to help policy makers, environmental advocates, and the general public to better understand cap parks, and the associated environmental and public health issues. Specifically, this paper offers a background on the shortage of public parks in the Los Angeles region, discusses the pros and cons of cap parks, studies four examples of cap parks built elsewhere, describes current cap park proposals, and addresses the barriers and constraints to implementing cap parks in the Los Angeles region.

The lack of public parks in Los Angeles is an issue that demands urgent attention. Nearly two out of three children in Los Angeles County do not live within walking distance (one-quarter mile) of a park, playground or open space. These children are more likely to be obese and are at higher risk of developing asthma, diabetes, or obesity related diseases. Los Angeles needs more parks and open spaces to meet the recreation and public health needs of its residents, especially children. Capping segments of freeways to create park space is one way to address the shortage of parks in the region.

Like any proposed solution to a problem, the idea of cap parks has both pros and cons. Capping segments of freeways is a good way to create large new parks in urban areas where vacant land is scarce. By building on unused space over freeways, creation of cap parks will not displace residences or businesses and can reconnect neighborhoods or communities divided by freeways. Large cap parks have the potential to generate economic benefits, including enhanced values to adjacent properties, attraction of businesses and visitors, and creation of new jobs. Political and business leaders are particularly eager to advocate for and support visions of large new parks. Los Angeles has the benefit of learning from the experiences of other cities where cap parks have been built. The four examples studied in this paper offer insights as to the potential benefits and challenges with the implementation of cap park projects of varying sizes at diverse locations.

Construction costs will be high for new cap parks, especially large ones. Operation and maintenance costs will also be significant for large cap parks given their size and amenities. Time and process required for cap park development will be lengthy and complicated. Feasibility, environmental, economic, and other studies must be completed before actual construction begins. In addition, cap parks may expose park users to potential health risks related to air quality and noise. However, these impacts could be addressed through innovative park design and other mitigation measures.

As land has become increasingly scarce in Los Angeles, we need creative and resourceful planning solutions to meet the park and recreational needs of the population. Cap parks offer hope and benefits that simply cannot be ignored. In particular, larger cap parks have the potential to: improve regional air quality; help reduce obesity and its associated problems; create short- and long-term jobs; raise adjacent property values; and enhance the overall quality of life. While they can be costly and complex projects that are challenging to implement, cap parks represent a strategy that must be seriously considered to promote sustainability, address the need for more parkland, and reconnect neighborhoods that have been fragmented as a result of freeway construction.

1. INTRODUCTION

Cap parks, also referred to as highway or deck parks, are parks built over segments of freeways that are below grade. Four major cap park proposals are currently being considered in the Los Angeles region, including the Hollywood Central Park, PARK 101 in downtown, and two smaller cap parks in Santa Monica. This policy briefing paper is intended to help policy makers, environmental advocates, and the general public to better understand cap parks, and the associated environmental and public health issues. Specifically, this paper offers a background on the shortage of public parks in the Los Angeles region (Section 2), discusses the pros and cons of cap parks (Section 3), studies four examples of cap parks built elsewhere (Section 4), describes current cap park proposals (Section 5), and addresses the barriers and constraints to implementing cap parks in the Los Angeles region (Section 6).

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2. PROBLEM AND BACKGROUND

Problem

The lack of public parks in Los Angeles is an issue that demands urgent attention. Nearly two out of three children in Los Angeles County do not live within walking distance (one-quarter mile) of a park, playground or open space.[1] These children are more likely to be obese and are at higher risk of developing asthma, diabetes, or obesity related disease.[2] Los Angeles needs more parks and open spaces to meet the recreation and public health needs of its residents, especially children. Capping segments of freeways to create park space is one way to address the shortage of parks in the region and is the focus of this paper.

Background

In 1930, the firm Olmsted Brothers and Bartholomew & Associates submitted a report titled "Parks, Playgrounds, and Beaches in the Los Angeles Region" to the Los Angeles Chamber of Commerce.[3] The report proposed a comprehensive and coherent network of parks, playgrounds, schools, beaches, forests, and transportation to promote the social, economic, and environmental vitality of Los Angeles and the health of its residents. The Olmsted-Bartholomew Plan was a model of visionary and bold planning commissioned at a time when land was available and the region's population was growing tremendously. However, the plan was never adopted and only segments of the report have been implemented to date due to a variety of political, economic, and financial reasons.

Today, Los Angeles is one of the most park-poor cities in the United States. With only 10 percent of its total area devoted to parks and open space, Los Angeles lags behind all other major cities on the west coast (see Table 1) and ranks below New York and Philadelphia nationally. In addition, parks and open spaces are distributed unevenly in the region, with a significant portion of parkland located away from the urban core and underserved communities (see Figure 1). Griffith Park, for example, has an area of over 4,000 acres, but does not provide for the active recreation elements

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[1] Trust for Public Land. (2004, November). *No place to play: a comparative analysis of park access in seven major cities*, p. 4.

[2] Los Angeles County Department of Public Health (2007, October). *Preventing childhood obesity: the need to create healthy places*, p. 5.

[3] Hise, G. & Deverell, W. (2000). *Eden by Design: the 1930 Olmsted-Bartholomew Plan for the Los Angeles Region*, p. 1.

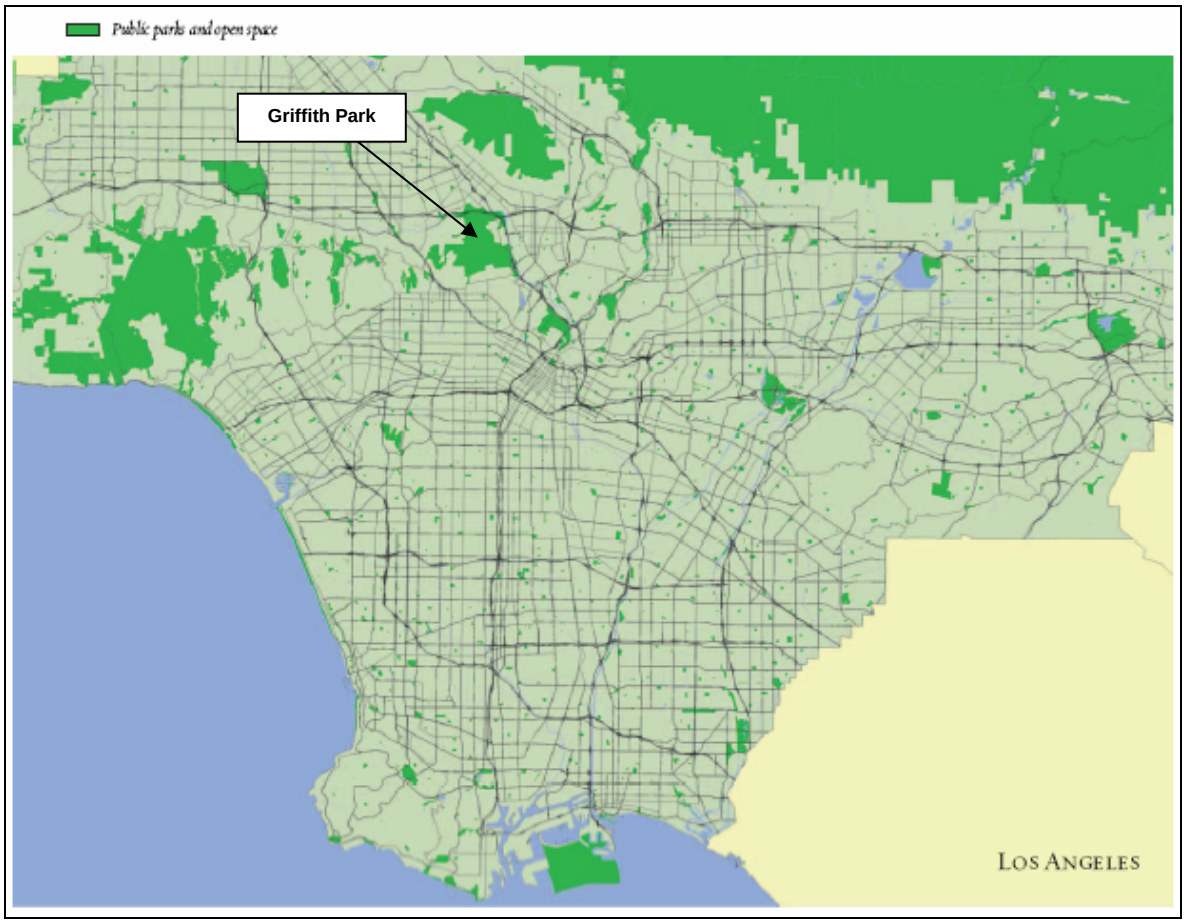
typically available in an urban park.[4] The park consists primarily of rugged hillsides and mountains, and is difficult to reach without a car.

Table 1: Total Parks and Open Space as Percentage of City Area

City	City Area (in acres)	Total Parks/Open Space (in acres)	Park/Open Space as Percentage of City Area
Los Angeles	300,352	30,121	10.0%
Seattle	53,696	6,194	11.5%
Portland	79,808	12,591	15.8%
San Diego	207,360	36,108	17.4%
San Francisco	29,888	7,594	25.4%

Source: Harnik, 2000.

Figure 1: Public Parks and Open Space in Los Angeles



Source: Trust for Public Land, 2004.

Another indicator of park needs in a community is access as measured by the percentage of children within walking distance or one-quarter mile of a park.[5] Los Angeles offers its children the

[4] Active recreation requires constructed facilities such as basketball courts and fields for soccer and football.

worst access to parks among the seven major cities evaluated.[6] As shown in Table 2 below, only one-third of the city's children live within walking distance of a park.

Table 2: Children's Park Access in Seven Major Cities

City	Percentage of children within one-quarter mile of a park	Number of children not within one-quarter mile of a park
Los Angeles	33%	657,700
Los Angeles County	*36%*	*1,694,400*
Dallas	42%	182,800
San Diego	65%	102,300
Seattle	79%	18,600
San Francisco	85%	16,700
New York	91%	178,500
Boston	97%	2,900

Source: Trust for Public Land, 2004.

Access to and availability of public facilities for physical activity, such as parks and playgrounds, has an important role in the prevention and treatment of obesity. Research shows that when people have access to parks, they are more likely to exercise, which can reduce obesity and its associated health risks and costs.[7] A number of studies reviewed in the *American Journal of Preventive Medicine* showed that "creation of or enhanced access to places for physical activity combined with informational outreach" produced a 48 percent increase in the frequency of physical activity.[8] These studies also found that easy access to a place to exercise resulted in a five percent median increase in aerobic capacity, along with weight loss, a reduction in body fat, and improvements in flexibility.[9]

There are unfair park and health disparities in Los Angeles based on ethnicity, income, and access to cars.[10] Children of color disproportionately live in communities of concentrated poverty without enough parks and playgrounds to play in, and do not have the means to reach parks in other neighborhoods. Figure 2 identifies neighborhoods in Los Angeles with the greatest need for new parks. These neighborhoods have high concentrations of residents under the age of 18 and have

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[5] Most cities and counties rely on National Recreation and Park Association (NRPA) standards to determine whether they have enough parks. These standards are expressed in terms of acres per 1,000 residents. While these standards are helpful as general measures of parkland availability, they were established decades earlier and do not accurately reflect the environment and variety of communities today. NRPA standards, for example, do not address access nor do they include many types of open space common in urban environments such as greenbelts and trails. In addition, these standards are silent on the issue of equity; the same standards are used regardless of whether a community is currently park-poor or park-rich.

[6] Trust for Public Land. (2004, November). *No place to play: a comparative analysis of park access in seven major cities*, p. 6.

[7] Gies, E. (2006). *The Health Benefits of Parks*, p. 8.

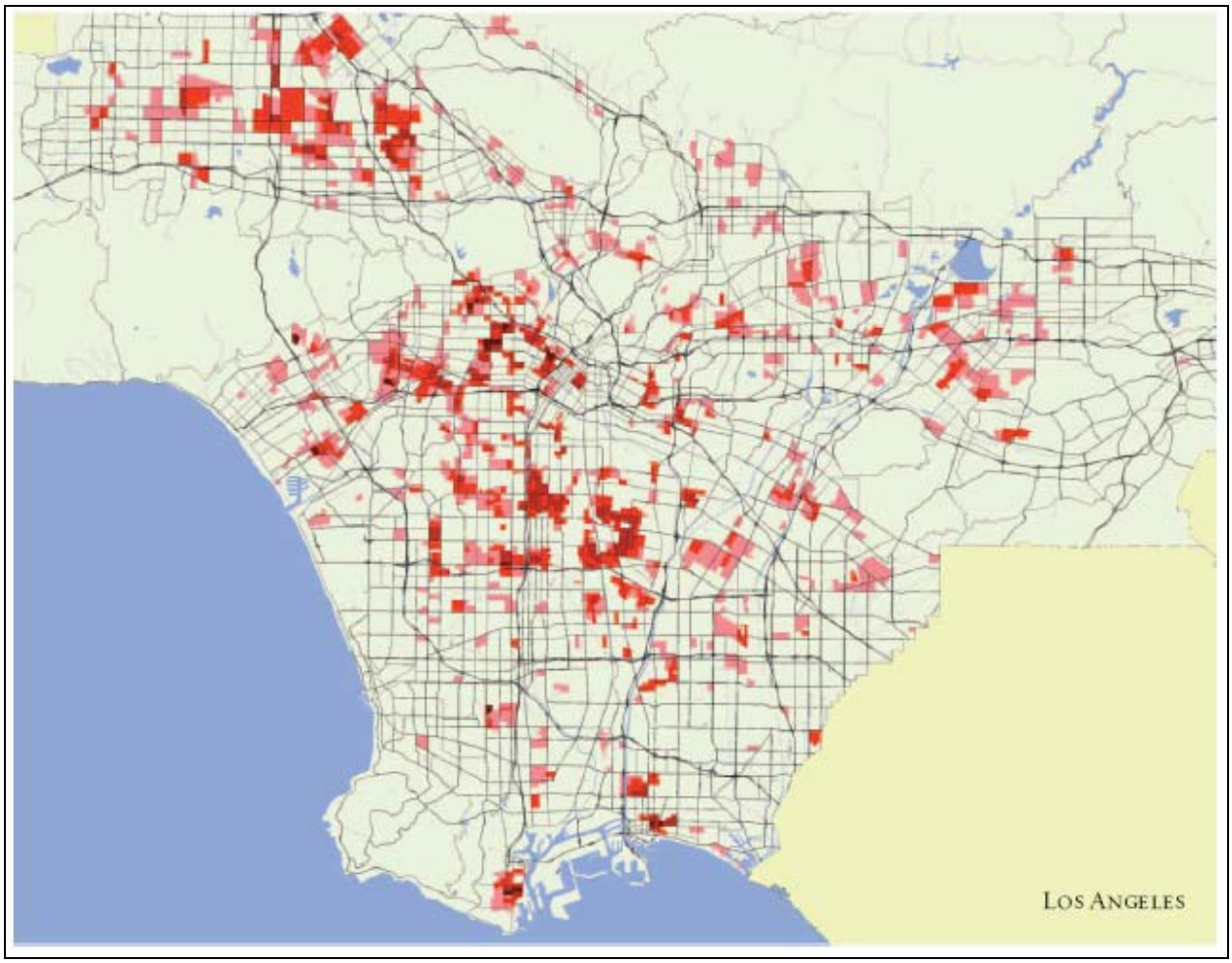
[8] Kahn, E. et al (2002). *The Effectiveness of Interventions to Increase Physical Activity*. American Journal of Preventive Medicine, pp. 87-88.

[9] Ibid.

[10] García, R. & White, A. (2006). *Healthy Parks, Schools, and Communities: Mapping Green Access and Equity for Los Angeles Region*, p. 3.

limited or no parks within walking distance. The health implications of the lack of physical activity are significant. Children in underserved communities are much more likely to suffer from obesity, diabetes, and other diseases related to inactivity.[11] García and White (2006) even declared that "this is the first generation in the history of this country in which children will have a lower life expectancy than their parents if present trends continue" (p. 3).

Figure 2: Neighborhoods with the Greatest Need for New Parks



Source: Trust for Public Land, 2004.

Fortunately, a coalition of community-based environmental and social justice groups has emerged recently to lead efforts to address inequities in the provision of parks in the Los Angeles area.[12] This coalition is trying to revive the Olmsted-Bartholomew vision and has experienced some success along the Los Angeles River and at nearby lands that were previously slated for non-park

[11] Los Angeles County Department of Public Health (2007, October). *Preventing childhood obesity: the need to create healthy places*, p. 5.

[12] This coalition was led by The City Project (formerly of the Center for Law in the Public Interest) and included (but not limited to): Friends of the Los Angeles River, Concerned Citizens of South Central Los Angeles, and the Catholic Archdiocese of Los Angeles.

development. Specific examples include the Cornfield near Chinatown and Taylor Yard, both of which have been developed with State parks serving inner city residents.[13]

In addition, the business community as well as planning and design professionals have advocated for large new urban cap parks in Los Angeles. One proposal is the "PARK 101" idea which calls for a new 100-acre park district in downtown Los Angeles.[14] Another is the proposed 44-acre Hollywood Central Park which has the support of the Hollywood Chamber of Commerce and numerous political leaders.[15] Proponents of both proposals believe that the parks would offer economic benefits in addition to addressing the park deficit in Los Angeles, including: enhancing real estate values, attracting tourists and businesses, and creating jobs. Prominent park researcher Dr. John L. Crompton (2001) has demonstrated through his studies that the economic values of parks can be measured and their economic benefits can be realized through appropriate design, siting, maintenance, and marketing.[16]

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3. PROS AND CONS OF CAPPING FREEWAYS TO CREATE PARK SPACE

Cap parks, also referred to as highway or deck parks, are parks built over segments of freeways that are below grade. Like any proposed solution to a problem, the idea of cap parks has both pros and cons as discussed below.

Table 3: Summary of Pros and Cons of Cap Parks

Pros	Cons
✓ Create large new parks in park-poor urban areas	× Construction, operation, and maintenance costs are high for large cap parks
✓ Reconnect neighborhoods divided by freeways	× Time and process required for park development will be lengthy
✓ Enhance adjacent property values	× Only one or two large cap parks will likely be pursued at a time due to costs and complexity of these projects
✓ Attract businesses and visitors	× May expose park users to: 1) potential health risks related to air quality and noise; and 2) potential safety risks since pedestrian access to cap parks may be dangerous
✓ Create direct and indirect jobs	× Cap parks may be taken over by the homeless
✓ Large park proposals appeal to a much broader audience than smaller projects	
✓ Build on successes of cap parks developed elsewhere	

Pros

Capping segments of freeways is a good way to create large new parks in urban areas where vacant land is scarce. It is very difficult, if not impossible, to acquire and assemble several acres of land in densely populated areas to create new parks. Major challenges include the high cost of land acquisition and community opposition, especially when displacement of residences and/or

[13] More information regarding the Cornfield and Taylor Yard are provided in Arnold (2007)'s *Fair and Healthy Land Use: Environmental Justice and Planning*, pp. 112-113.
[14] Davies, V. (2008, August). A "Central Park" for Los Angeles? *Urban Land, 67*(8), pp. 42-45. About 16 acres of the park district would be a cap over the 101 Freeway.
[15] Hollywood Chamber of Commerce. (2007). *Fact Sheet: Hollywood Freeway Central Park*.
[16] Crompton, J.L. (2001). *Parks and economic development*.

businesses is necessary. Cap parks provide a viable and superior alternative because the land or space above the freeway may be free, made available as air rights by the agency responsible for the freeway. By building on unused space over freeways, creation of cap parks will also not displace residences or businesses and can reconnect neighborhoods or communities divided by freeways.

Large cap parks have the potential to generate economic benefits, including enhanced values to adjacent properties, attraction of businesses and visitors, and creation of new jobs. An example is Hance Park in Phoenix which is surrounded by a growing number of upscale condominium towers. Large park proposals also appeal to a much broader audience than smaller projects. Political and business leaders are particularly eager to advocate for and support visions of large new parks. Such parks would not only meet recreational needs, but also help to upgrade or improve the image of cities. Millennium Park, for example, has elevated the status of Chicago and may be considered to be the city's most important project since the World's Columbian Exposition of 1893.[17]

Los Angeles has the benefit of learning from the experiences of other cities where cap parks have been built. The four examples studied in this paper offer insights as to the potential benefits and challenges with the implementation of cap park projects of varying sizes at diverse locations.

Cons

Construction costs are high for cap parks, especially large ones. The State of New Jersey, for example, spent $150 million on the 6.5-acre South River Walk Park. Not surprisingly, the proposed 44-acre Hollywood Central Park has a price tag of nearly $1 billion. Operation and maintenance costs will also be significant for large cap parks given their size and amenities.

Time and process required for cap park development will be lengthy. Feasibility, environmental, economic, and other studies must be completed before actual construction begins. During the construction phase, delays can also occur, as evidenced by Boston's now infamous "Big Dig" project also known as the Rose Kennedy Greenway. In addition, only one large cap park will likely be pursued at a time in a region due to the costs and complexity of these projects. It is unclear, for instance, whether the Hollywood Central Park and PARK 101 can occur simultaneously as both will impact traffic on the 101 Freeway.

Cap parks may expose park users to potential health risks related to air quality and noise. Studies have shown both the adverse health impacts of living in close proximity to freeways and of driving in long tunnels due to exposure to poor air quality.[18] Also, noise is an issue of concern, especially in smaller cap parks. In addition, potential safety risks exist if access to cap parks is not properly designed to protect pedestrians from vehicular traffic around the parks.

Like any park, cap parks may be subject to problems relating to crime and homelessness, if not properly managed and improved over time. For example, at one point Seattle's Freeway Park fell into disuse, resulting in the park becoming a place where crime occurred regularly and where the homeless took over.

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[17] The 24.5-acre Millennium Park is not a freeway cap park, but is similar in that covers land previously occupied by rail yards and parking lots. Please visit http://www.millenniumpark.org/parkhistory/ for more information.

[18] Please refer to sources cited later on page 18 of this policy paper.

4. EXAMPLES OF EXISTING FREEWAY CAP PARKS

A 2007 Trust for Public Land (TPL) study found that there are over 20 cap parks in the United States and at least a dozen more in various stages of planning.[19] The average size of the country's cap parks is nine acres and each covers an average of 1,620 linear feet of highway. Summarized in Table 4 and described below are four examples of completed cap parks.

Table 4: Examples of Cap Parks

Park Name	**Freeway Park**	**South River Walk Park**	**Hance Park**	**Rose Kennedy Greenway**
Location	Seattle, WA	Trenton, NJ	Phoenix, AZ	Boston, MA
Tunnel Length *(linear feet)*	528	898	2,640	5,280
Park Size *(acres)*	5.2	6.5	10.0	30.0
Highway	I-5	U.S. 29	I-10	I-93

Source: Harnik, 2010.

Freeway Park (5.2 acres)
Seattle, Washington

Seattle's Freeway Park was created to draw together city neighborhoods divided by Interstate 5.[20] When Freeway Park was completed in 1976, it was hailed as a major architectural and engineering accomplishment. Designed by the world-renowned firm of Lawrence Halprin & Associates, it was the first park to be constructed over a freeway. The idea for a downtown park over the freeway is as old as the Seattle segment of Interstate 5 itself. In 1966 civic-minded individuals and the city, county, and state officials were already talking about constructing a cap over the below-grade portion separating First Hill from downtown. The park was developed with bond money, as well as county, state and federal funding.

Figure 3: Freeway Park

Source: http://www.bing.com/maps/

Freeway Park is intended to provide a gathering place for residents, shoppers, downtown office workers, hotel visitors, and the rest of the downtown population. Initially, the park was actively programmed with lunchtime and evening concerts. Over the years, however, as programming became more limited, the park fell into disuse. As the vegetation matured and cut sightlines, the park became darker, more difficult to navigate, and even dangerous. Seattle's growing drug-using

[19] Harnik, P. & Welle, B. (2007, April). Nature over traffic. *Urban Land, 66*(4), p. 102; Harnik, P. (2010). *Urban Green: Innovative Parks for Resurgent Cities*, pp. 136-137. Other examples of cap parks not covered in this policy paper include: Riverwalk Plaza (Hartford, CT); Memorial Park (La Cañada Flintridge, CA); Lytle Park (Cincinnati, OH); Waterside Park (Atlantic City, NJ); Gateway Park (Arlington, VA); Mid-City Bridge Park Deck (San Diego, CA); Capitol Reflecting Pool (Washington, D.C.); I-95 Park & Memorial Parks (two parks in Philadelphia, PA); Carl Schurz Park (New York); Sam Smith Park (Seattle, WA); and Rose Garden, Lake Place, Cooke Plaza (3 parks in Duluth, MN).

[20] http://www.cityofseattle.net/parks/park_detail.asp?ID=312

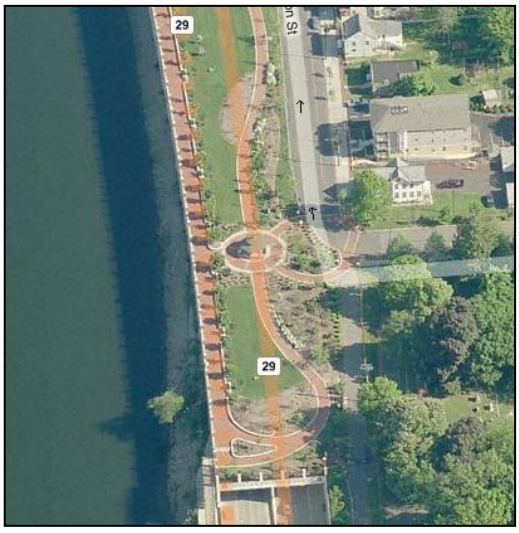
and drug-selling population, as well as its homeless population, also found a home in Freeway Park. Various physical and other improvements have been made to address these problems. Today, the park is in better shape and well-used by office workers during the day.

Acoustics is an issue at Freeway Park. Due in part to its relatively small size (5.2 acres), park users are subject to a constant white noise caused by traffic. While the sound is not obtrusive, it is not minimal either.[21]

South River Walk Park (6.5 acres)
Trenton, New Jersey

South River Walk Park is located above the Route 29 tunnel and was gifted to the Mercer County Park Commission in 2004 by the State of New Jersey.[22] The 6.5-acre park focuses on the history of Trenton and its connection to the Delaware River. The park is home to five arches of materials which represent various eras of the city from pre-revolutionary through the Industrial Revolution to the modern era. The park has hosted many festivals and art fairs as well as weddings, walk-a-thons and family events.

Figure 4: South River Walk Park



Source: http://www.bing.com/maps/

The State of New Jersey spent $150 million on the South River Walk Park. According to Trenton Planning Director Andrew Carten, "The project resulted in a significant spike in interest and sale prices of property. After all, would you rather look over 600 trucks barreling past every day, or a scenic park and river?" One lot with a value of $120,000 prior to park construction was developed with six housing units that sold for $200,000 each. The park also helped attract a new 82-unit market-rate residential development.[23]

Hance Park (10 acres)
Phoenix, Arizona

Opened in 1992, the Margaret T. Hance Park is located in central Phoenix.[24] The park is built on top of the I-10 tunnel and is named after Margaret T. Hance, former mayor of Phoenix. The park is home to the Japanese Tea House and Friendship Garden, the Irish Cultural Center, and the annual St. Patrick's Day Irish Family Faire.

Figure 5: Hance Park

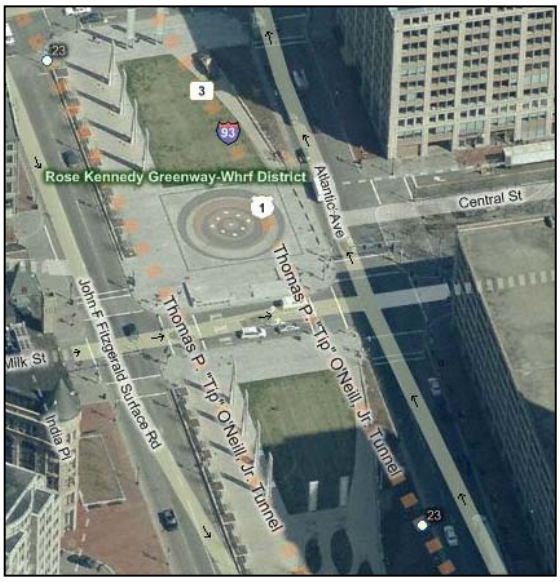
Source: http://www.bing.com/maps/

[21] Harnik, P. (2010). *Urban Green: Innovative Parks for Resurgent Cities*, p. 138.
[22] http://www.state.nj.us/counties/mercer/commissions/park/millyard.html
[23] Harnik, P. (2010). *Urban Green: Innovative Parks for Resurgent Cities*, p. 139.
[24] http://phoenix.about.com/library/blmaphancedeckpark.htm

At ten acres, Hance Park is not as impacted by noise or acoustic issues as Seattle's Freeway Park. Labeled by the *Phoenix New Times* "a rare Phoenix instance of nature over traffic—in this case, literally," Hance Park is decked over the Papago Freeway, uniting uptown and downtown and providing a park next to the central library. The freeway was originally planned as an elevated bridge through downtown, but community opposition killed that idea in a 1973 ballot measure. It was not until ten years later that the city finally accepted a below-grade solution with the park as a key added amenity. As a sign of its success, the park has spurred efforts to revitalize the surrounding downtown area, including construction of market rate and affordable housing and the expansion and/or renovation of local museums.[25]

Rose Kennedy Greenway (30 acres)
Boston, Massachusetts

Figure 6: Rose Kennedy Greenway



Source: http://www.bing.com/maps/

Opened in 2008, the Rose Kennedy Greenway is a roughly 1.5-mile-long series of parks and public spaces created in downtown Boston.[26] It is the final part of the massive Central Artery/Tunnel Project (CA/T) or Big Dig that put I-93 underground and removed the elevated freeway that served as the main highway through downtown for more than 40 years. The Greenway was named in honor of Rose Fitzgerald Kennedy and officially dedicated in 2004. Officials originally predicted a 2005 completion date for the park components of the Greenway. However, due to numerous delays, cost overruns, and the Big Dig ceiling collapse, the parks were not completed until 2007.

As the Greenway runs above an interstate highway, the Massachusetts Turnpike Authority retains ownership of most of the land. The non-profit Rose Fitzgerald Kennedy Greenway Conservancy has been created jointly by the Turnpike Authority, the City of Boston, and the Commonwealth of Massachusetts to oversee maintenance, fundraising, and programming of the Greenway parks.

The $14-billion price tag of the CA/T has caused some people to question the financial feasibility of cap parks. However, it should be noted that this was primarily a transportation project and included major bridges and underwater tunnels. About $40 million (of the $14 billion) was actually spent on the mile-long stretch of the four parks that make up the Greenway.[27]

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5. CURRENT STATUS OF PROPOSED CAP PARKS IN LOS ANGELES COUNTY

Civic and business leaders, planners, and architects have proposed several cap parks in Los Angeles County. Los Angeles seems ideal for new cap parks. Its extensive network of freeways, including numerous below-grade segments, translates to various locations that may be capped with new parks. The region's four major cap park proposals are summarized in Table 5.

[25] AECOM. (2010, August). *PARK 101 District Feasibility Study*, p. 4-8.
[26] http://www.rosekennedygreenway.org/
[27] Harnik, P. (2010). *Urban Green: Innovative Parks for Resurgent Cities*, pp. 139-140.

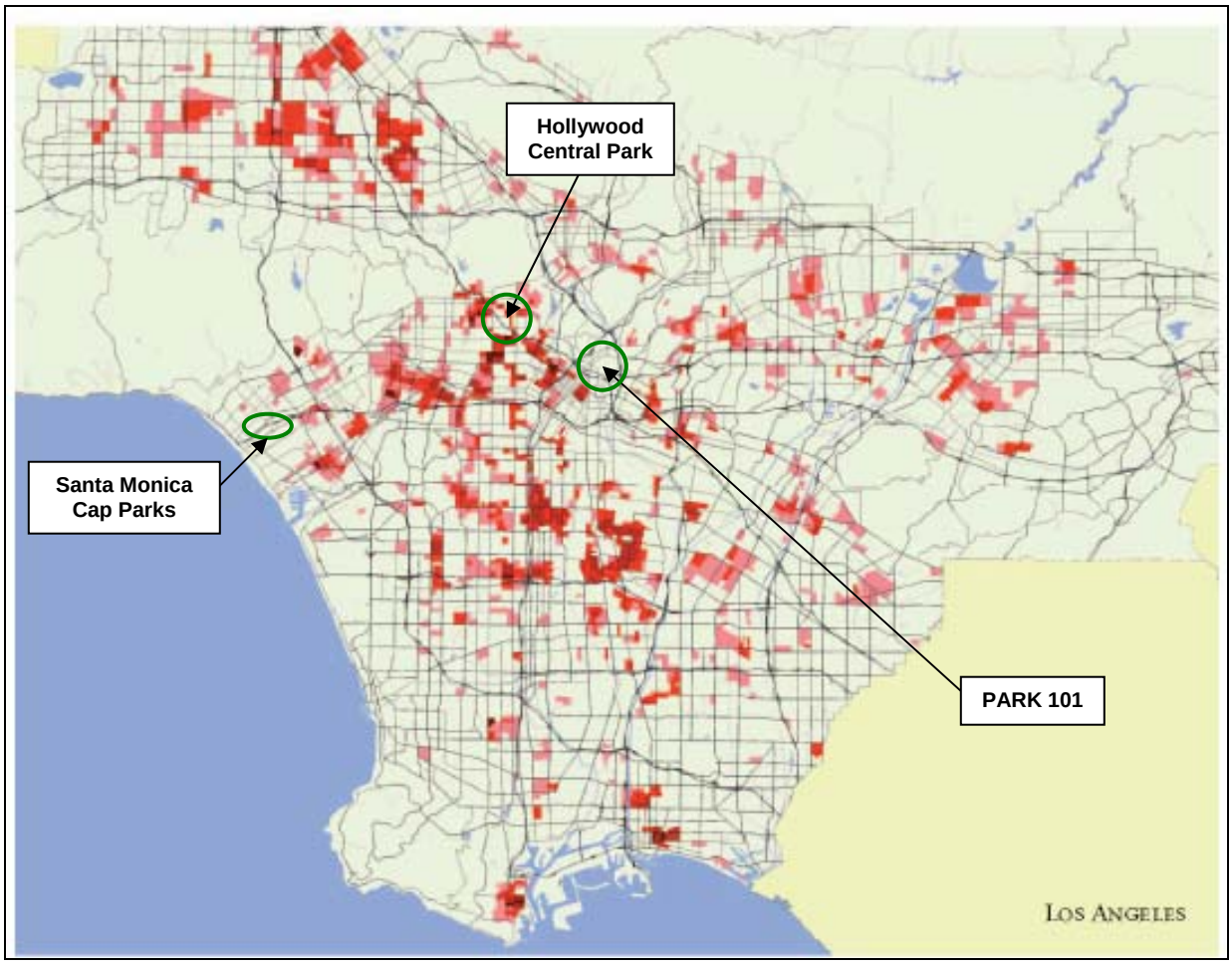
Table 5: Major Cap Park Proposals in Los Angeles County

Cap Park Proposal	Hollywood Central Park	PARK 101	Santa Monica Cap Parks	
Location/Freeway	Hollywood Above the 101 Freeway between Sunset & Hollywood Boulevard	Downtown L.A. Above the 101 Freeway, between Union Station and Grand Avenue	Santa Monica Above the 10 Freeway, between Ocean Avenue & 4th Street	Santa Monica Above the 10 Freeway, between 14th & 17th Streets
Park Size	44 acres	16 acres above freeway; 100 acres total	5 acres	7 acres
Total Cost	$950 million	$328 million for the cap above freeway	$87 million	To be determined

Sources: AECOM, 2010; V. Davies, 2010; City of Santa Monica, 2010.

Figure 7 identifies the location of the proposed cap parks in relation to those neighborhoods with limited access to parks or other open space as identified by the Trust for Public Land.

Figure 7: Major Cap Park Proposals in Los Angeles County



Sources: Trust for Public Land, 2004; AECOM, 2010; City of Santa Monica, 2010.

Hollywood Central Park

The Hollywood Central Park proposal is the construction of a cap over the U.S. 101 Freeway, between Hollywood and Santa Monica Boulevards, as the freeway travels below grade through the heart of Hollywood. By capping a portion of the Hollywood Freeway, this project will create a much-needed street-level 44-acre public park in one of the lowest resident-to-park space communities in California. Hollywood has 0.005 acres of open space per resident as compared to 0.012 acres within the City of Los Angeles. In addition, the project would reunite diverse communities and dense neighborhoods, separated for more than 50 years, by the Hollywood Freeway.

Figure 8: Hollywood Central Park

Source: http://www.hollywoodfreewaycentralpark.org/

At 44 acres, the park is a large project with the potential to strengthen the economy through job creation, increased tourism, and enhanced property values around the park. The park would also encourage participation in physical exercise and provide green open space and recreational facilities to more than 40,000 children, a majority of who live in apartments. From a traffic engineering standpoint, the project would also be desirable because it would: make long-needed ramp improvements; streamline freeway functioning; and improve freeway overpasses.

Of the four cap park proposals in Los Angeles County, the Hollywood Central Park is the furthest along; AECOM completed a feasibility study for this project in 2008. The Friends of Hollywood Central Park has been very active in its efforts to make the park a reality, including lobbying political leaders at all levels, raising support and funds, and coordinating with Caltrans on the required environmental impact studies. The group has even retained a consultant to provide a preliminary study on the Hollywood Central Park's potential return on investment.

PARK 101

PARK 101 was initially the vision of a group of college students from around the world who participated in EDAW Inc.'s Intern Program in June 2008.[28] The interns were asked this question: "How can we reconnect the City's historic core north of the Hollywood Freeway with the civic, cultural and financial centers to the south?" Their solution, PARK 101, is a vision for a 100-acre urban park district serving downtown and adjacent neighborhoods such as Chinatown and Little Tokyo, all of which lack adequate open space. It would involve building a 16-acre cap above a portion of the Hollywood Freeway and its exit ramps. This proposal would also incorporate nearby parking lots and underused land next to the freeway, and reconfigure the Civic Center area—converting an eyesore into an urban park and a walkable, vibrant neighborhood.

This project provides a unique opportunity to shape a new direction for downtown. Focused on a relatively small area straddling the 101 Freeway and situated in an existing maze of roadways,

[28] EDAW is now a part of AECOM (http://www.aecom.com/), an international provider of professional technical and management support services to a broad range of markets, including transportation, facilities, environmental, energy, water and government.

PARK 101 can remake Los Angeles into a more sustainable and livable city. According to AECOM, the PARK 101 proposal focuses on six design principles: maximizing regional connectivity; developing a pedestrian focus; providing flexibility of open space; reconnecting communities; being a regenerative tool; and creating a "Wow" factor.

PARK 101 is not just a cap over a freeway. Proponents of PARK 101 envision a new park district that mends the fragmentation of the City's central core. The design of the park is based on the extension and intersection of disconnected street grids on both sides of the freeway, as well as the opportunities inherent at Union Station and its future high speed rail component. The points of intersections and the axial vistas connecting key landmarks such as the Cathedral of Our Lady of the Angels, Union Station, and the Los Angeles River generate a series of links that create shapes for different programmatic components, and create the alignments and forms that give shape to the park.

Figure 9: PARK 101 District

Source: AECOM, 2010.

The vision of PARK 101 will be very costly to realize: $328 million for the cap park portion alone.[29] However, the project will be built in five phases and will offer adjacent "value creation opportunities" in the form of new real estate developments that create value where it does not currently exist. A feasibility study by AECOM indicates that every dollar of the public investment in PARK 101 would spur $1.25 in new private development, which is not otherwise likely to occur.[30] Anticipated new development in the Park sub-district includes an estimated 1.0 to 1.9 million square feet of hotel, office, and retail space and 600 to 800 new residential units worth an additional $490 million. In addition to 2,800 to 3,500 one-time construction jobs, the PARK 101 district is expected to create 2,800 to 6,000 new permanent jobs.

Santa Monica Cap Parks

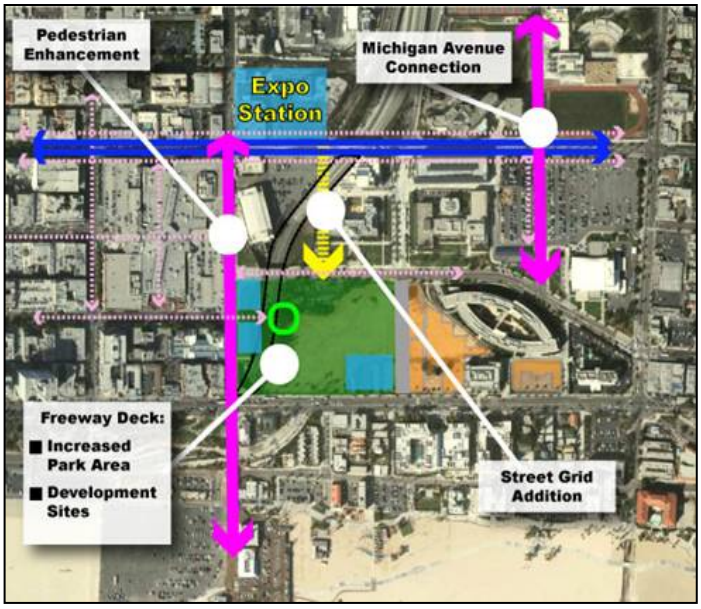
The City of Santa Monica is proposing to cap two portions of the 10 Freeway: between Ocean Avenue and 4th Street and between 14th and 17th Streets. The first project would tie together Main Street with downtown Santa Monica, while the second would function as a green space near 14th and 17th Streets. According to city staff, momentum is building for both projects.

[29] According to AECOM (2010), the total estimated cost of the infrastructure investment for the PARK 101 district is approximately $825 million, and is distributed among the three sub-areas: $385 million for the Park Sub-District (includes the cap park component); $300 million for the Station Sub-District; and $135 million for the River Sub-District.

[30] AECOM. (2010, August). *PARK 101 District Feasibility Study*, p. 1-11.

Between Ocean Avenue and 4th Street: As part of the city's implementation of the Civic Center Specific Plan, this capping project would extend the McClure Tunnel and cover the 10 Freeway from 4th Street to Ocean Avenue, offering an enlarged green space for outdoor enjoyment. The five-acre freeway cap would improve connection between downtown Santa Monica and the Civic Center. Specifically, the cap would improve public access to the new Palisades Garden Walk and Town Square Project. With an Expo Line light rail station at Colorado Avenue and 4th Street scheduled to be completed by 2015, the project could also enhance walkability by providing a pedestrian connection between Third Street Promenade, Santa Monica Place, and Main Street. A preliminary study indicates that the project would cost about $87 million. AECOM is currently completing a full feasibility study for this project.[31]

Figure 10: Cap Park at Ocean Avenue/4th Street



Sources: City of Santa Monica, 2010; The LookOut news, 2010.

Between 14th and 17th Streets: This seven-acre cap park is envisioned as an opportunity to expand open space, explore joint development, and reconnect neighborhoods that were broken by the construction of the freeway. This park would also be located near the future Expo Line station at Memorial Park, which is located on Olympic Boulevard between 14th and 16th Streets, just north of the freeway. The proposed park would reconnect the Pico neighborhood to the larger city fabric. The City received $250,000 in grant money from Caltrans to complete a feasibility study for this cap project. This study is one component of planning for the area which will include the Memorial Park Master Plan, the Expo light rail station area planning, and a future specific plan for the district as proposed in the city's Land Use and Circulation Element.

6. IMPLEMENTATION

Funding

Construction costs for large cap parks can be very high, as evidenced by the expected price tag of the Hollywood Central Park. Some may argue that numerous existing parks may be improved or upgraded using $950 million - the estimated cost of creating the Hollywood Central Park (not including any land acquisition costs). However, the land or space above the freeway may be free, made available as air rights by Caltrans. This can translate to a multimillion-dollar gift in urban locations. For example, land costs approximately $2 million to $3 million per acre near the Santa Ana Freeway by the Los Angeles City Hall.[32] There would be no land costs if Caltrans agrees to

[31] The City Council and Redevelopment Agency authorized the execution of a reimbursement agreement, in an amount not to exceed $3,156,508, using redevelopment funds to pay for costs associated with the freeway capping feasibility study, including engineering and constructability analysis, and the preparation of options for connecting the Civic Center and downtown over the freeway.

[32] Harnik, P. & Welle, B. (2007, April). Nature over traffic. *Urban Land, 66*(4), p. 103.

make air rights above freeways available. This is not unlikely considering that Caltrans has identified itself as a key stakeholder involved in making PARK 101 a reality.[33]

In addition, there are various sources of local, state, and federal funds that can be obtained, particularly if an economic analysis shows that associated development will generate significantly more tax revenue. One approach is to create a tax increment financing district, whereby future increased tax revenue is used to pay back the costs of the park. The PARK 101 proposal, for example, is expected to offer adjacent "value creation opportunities" in the form of new real estate developments: the project is expected to spur $1.25 in new private development for every dollar of public investment. The project may also receive funding created to mitigate impacts related to the future development of high speed rail. Other local funding sources include public works capital funds or municipal bonds. The federal or state government often pays for the deck superstructure, while the city finances the actual park development. For example, the Trenton deck for the South River Walk Park came about through reconstruction of a state highway and was paid for by the State of New Jersey.[34]

Construction of large cap parks must be done in phases, as proposed for both the Hollywood Central Park and PARK 101. Incremental development allows park developers to build on early successes and to secure funding over a longer period of time. This approach also minimizes disruption to traffic and circulation during the construction period.

Another aspect of funding is the cost of operating and maintaining the parks. While local parks and recreation departments are typically responsible for operation and maintenance, it would be beneficial to create a non-profit management organization for each large cap park. For instance, the non-profit Rose Fitzgerald Kennedy Greenway Conservancy was created to oversee maintenance, fundraising, and programming of the Greenway parks.

Stakeholder Engagement

The development of cap parks involves and affects a broad range of stakeholders:

Residents in Underserved Communities, especially Children	These residents live in communities without sufficient places to recreate and do not have the means to reach parks and school fields in other neighborhoods. They are the intended beneficiaries of strategies to increase the supply of parks in underserved neighborhoods.
Business Interests	Business interests support large urban parks with the potential to generate economic benefits: enhancing real estate values, attracting tourists and businesses, and creating jobs. For example, the Hollywood Chamber of Commerce is the key proponent of the Hollywood Central Park.
Transportation Officials	Transportation officials play a critical role in the development of cap parks because these parks would be developed above segments of freeways under their control. Caltrans is a key partner in all four cap park proposals.
Local and State Politicians	Local and state political representatives play a key role by advocating for new parks and securing funding for their development. For example, city, county, and state officials worked together to create Vista Hermosa Park, downtown's first new public park in many years.[35] To be implemented, any new strategy to create new parks requires the backing of political leaders.

[33] http://www.dot.ca.gov/dist07/travel/projects/park101/

[34] Harnik, P. (2010). *Urban Green: Innovative Parks for Resurgent Cities*, p. 141.

[35] Vista Hermosa Park was built on a brownfield in downtown Los Angeles by the Santa Monica Mountains Conservancy and the Mountains Recreation and Conservation Authority in a joint-use partnership with LAUSD and the City of Los Angeles. The 10.5-acre park restores some of the natural topography and native

Environmental Justice Groups	Environmental justice groups are the leaders of the urban parks movement in Los Angeles. They seek to eliminate unfair park, school, and health disparities based on race, ethnicity, poverty, youth, and access to cars. These groups contributed significantly to the development of new parks at the Cornfield and Taylor Yard.
Public Health Officials	Public health officials generally support the development of new parks because they provide opportunities for physical activity, especially for children. However, public health experts must evaluate the potential health concerns of placing new parks at locations such as above freeways.
Local Parks and Recreation Departments	Local parks and recreation departments provide parks and recreation services, and will most likely be responsible for the operation and maintenance of any new cap parks, unless new non-profits are created for such purposes.
State Parks Department and Conservancies	State Parks helped make the new parks at the Cornfield and Taylor Yard possible. The Santa Monica Mountains Conservancy and the Mountains Recreation and Conservation Authority contributed to the development of Vista Hermosa Park. All three will continue to partner with local agencies to provide new urban parks.
Conservation and Environmental Groups	These groups support projects that protect and restore the natural environment. For example, Friends of the Los Angeles River seeks to restore the river's natural habitat and develop bikeways, paths, and trails on the riverbanks. They typically favor passive recreational activities such as hiking, bird watching and nature study.

Proper engagement of and cooperation between these stakeholders are critical to the success of the proposed cap parks. It is important to ensure that stakeholders understand the goals and anticipated benefits associated with the proposed parks. There are various forms of engagement and communication, including the community dialogue, news media, and simulation tools, which can provide a better understanding of the proposals, and demonstrate how the parks could impact quality of life and social equity.

Political Will and Support

Without political will and support, the proposed cap parks would be great ideas left unimplemented. Fortunately, all four projects have their fair share of supporters. The Friends of Hollywood Central Park, for example, has done an outstanding job of outreach and education, as evidenced by the long list of politicians supporting the project.[36] PARK 101 is well-supported by public agencies[37] and is described briefly in the Central City Community Plan, an official planning document prepared by the Los Angeles City Planning Department. However, the project will require more open and vocal support from one or more political champions to move forward, especially to work with Caltrans to streamline its review and permitting processes. As smaller projects, the Santa Monica cap parks do not require the same level of political support as the Hollywood and PARK

vegetation of the area and features trails, streams, meadows, oak savannahs, picnic areas, art elements, an environmentally-themed children's adventure area, and a 120-student capacity outdoor amphitheater. Built with state-of-the-art "green" technologies, the park enhances environmental and natural history educational opportunities for the adjacent high school, and provides a regulation soccer field for shared use by the school and the community.

[36] Politicians include: Mayor Antonio Villaraigosa, City Council members Eric Garcetti and Tom LaBonge, Congressman Xavier Becerra, Congresswoman Diane Watson, former State Senator and current County Supervisor Mark Ridley-Thomas, and California Assemblyman Mike Feuer.

[37] Including Metro, SCAG, Caltrans, and CRA/LA.

101 proposals. Nevertheless, the two parks have received the blessing of city leaders who committed funding to study their feasibility.

As of this writing, there are no vocal opponents to the four proposals. Understandably, some may be concerned about the high costs of cap parks and commuters may be uneasy about being stuck in tunnels for lengthy periods during traffic jams.[38]

Environmental and Public Health Impacts

The environmental and public health impacts of the cap park proposals have not yet been comprehensively evaluated as required by California Environmental Quality Act (CEQA). Unfortunately, the Los Angeles County Department of Public Health also has not conducted any research on the potential public health impacts of cap parks.[39] Nevertheless, it is logical to consider that because of their location, the proposed cap parks may expose future park users to potential health threats related to traffic noise and poor air quality. Excessive traffic noise could be an issue, especially for the smaller cap parks proposed in Santa Monica. These parks are similar in size to Seattle's Freeway Park which has some noise/acoustic issues relating to freeway traffic.

A University of Southern California study has shown that children living near freeways are more likely to develop asthma and other respiratory problems.[40] In addition, a recent study conducted in Sydney, Australia provides evidence that ultrafine particles produced by fuel combustion are lurking inside road tunnels in concentration levels so high they have the potential to harm drivers and passengers.[41] However, exposure to air pollutants for a resident next to a freeway or for a driver inside the tunnel is not the same as for a park user above the freeway. Also, by covering segments of freeways, cap parks could possibly limit the amount of air pollutants adjacent residents would be exposed to. Published information, for the most part, indicates that the concentration of most air toxicants detected in communities exposed to tunnel emissions are below those concentrations that are generally considered to pose either a significant acute or chronic health hazard.[42] Another environmental issue may be the short-term traffic and air quality impacts associated with the need to transport a significant amount of soil necessary to plant trees and landscaping at the park sites.

The long-term air quality and noise impacts can be mitigated to some extent through the design of the parks. Some landscape architects argue that cap parks can mitigate the impacts without relying exclusively on mechanical systems. One idea, for example, is that the Hollywood Central Park could be designed to function as a "breathing apparatus" capable of filtering the carbon monoxide that would be vented out of the tunnel after the capping of the freeway.[43] This proposed

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[38] Pool, B. (2008, November 19). Plan for park atop Hollywood Freeway is praised. *L.A. Times*, p. B3.

[39] E-mail from Gayle Haberman of the Los Angeles County Department of Public Health received on 6/4/2010.

[40] Gauderman, W. J. *et al* (2007). Effect of exposure to traffic on lung development from 10 to 18 years of age: a cohort study. *The Lancet, 368*, pp. 535-537. The study, which tracked 3,600 children for 13 years, found that those living within 500 yards of a highway faced risk of permanent health damage, including stunted lung growth and respiratory problems.

[41] Queensland University of Technology (2009, August 30). Tunnels Concentrate Air Pollution By Up To 1,000 Times. *ScienceDaily*. Retrieved June 26, 2010, from http://www.sciencedaily.com/releases/2009/08/090827101241.htm

[42] Kuykendall, J.R. *et al* (2009). Chemicals present in automobile traffic tunnels and the possible community health hazards: A review of the literature. *Inhalation Toxicology*, *21*(9), pp. 747-792.

[43] Conversation with Gerdo Aquino of SWA Group on 7/2/2010. Professor Andrea Hricko of USC also expressed concerns about how and where air pollutants would be vented out from the tunnels during our phone conversation on 9/10/2010.

design would effectively suck up carbon monoxide from the tunnel and filter it through layers of vegetation on the surface. Some mechanical systems would be required, but the intent is to make visible the process of ventilation while incorporating an active, natural systems-based approach to filter the polluted air from the tunnel.[44]

From a big picture perspective, cap parks actually have the potential to improve the region's air quality and overall quality of life. In particular, the proposed cap parks are consistent with and help to implement Senate Bill 375 which seeks to reduce greenhouse gas emissions through land use planning. The vehicle for this coordination is a new regional land use plan called a Sustainable Communities Strategy (SCS). The result is expected to be more rational and coordinated regulation and public funding, which in turn should accelerate the pace at which development consistent with these plans can proceed. The Urban Land Institute (ULI)'s *SB 375 Impact Analysis Report* specifically points out that state funding priorities need to take into account: 1) SB 375 redirects future growth towards existing urban areas; and 2) in addition to transportation funds, other infrastructure investments such as monies for parks should also be linked to the SCS.

Cap parks can also play an important role in the prevention and treatment of obesity. When people have access to parks, they are more likely to exercise, which can reduce obesity and its associated health risks and costs. As mentioned previously (on page 5), a number of studies have shown that enhanced access to places for physical activity produced an increase in the frequency of physical activity.

Timing

Because of their smaller size, Santa Monica's cap parks will most likely be developed before the proposals in Hollywood and downtown Los Angeles. As large-scale projects, Hollywood Central Park and PARK 101 will require lengthier environmental reviews and permitting processes. However, given the need for these parks, their potential benefits, and consistency with SB 375 goals, one might ask whether these reviews and processes could or should be streamlined or relaxed.

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7. CONCLUSION

As land has become increasingly scarce in Los Angeles, we need creative and resourceful planning solutions to meet the park and recreational needs of the population. Cap parks offer hope and benefits that simply cannot be ignored. In particular, larger cap parks have the potential to: improve regional air quality; help reduce obesity and its associated problems; create short- and long-term jobs; raise adjacent property values; and enhance the overall quality of life. While they can be costly and complex projects that are challenging to implement, cap parks represent a strategy that must be seriously considered to promote sustainability, address the need for more parkland, and reconnect neighborhoods that have been fragmented as a result of freeway construction.

[44] E-mail from Gerdo Aquino of SWA Group on 8/31/2010.

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Enclosure C

EXHIBIT "C"

JANUARY 2012 "SITE D" SPECIFIC PLAN
FINAL MITIGATION REPORTING AND MONITORING PROGRAM

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
	Hydrology and Water Quality		
1	Prior to the issuance of grading permits, all drainage facilities and improvements shall be subject to final design and engineering review and approval by the City Engineer and, for those storm drain facilities under County jurisdiction, by the Los Angeles County Department of Public Works (LACDPW) (Mitigation Measure 4-1).	City Engineer	Issuance of Grading Permits
	Biological Resources		
2	In order to reduce impacts to United States Army Corps of Engineers and Regional Water Quality Control Board (ACOE/RWQCB) and California Department of Fish and Game (CDFG) jurisdictional waters, prior to the issuance of a grading permit, the Applicant shall demonstrate, to the satisfaction of the Community Development Director, receipt of any discretionary permits and approval as may be required from the ACOE, RWQCB, and CDFG and commit to the provision of compensatory jurisdictional resources meeting or exceeding the following minimal standards: (1) the on-site and/or off-site replacement of ACOE/RWQCB jurisdictional waters and wetlands at a 2:1 ratio; (2) the on-site and/or off-site replacement of CDFG jurisdictional streambed and associated riparian habitat at a 2:1 ratio; and (3) the incorporation of design features into the project's design and development enhancing the site's biological resources (Mitigation Measure 5-1).	Community Development Director	Issuance of Grading Permits
	Traffic and Circulation		
3	Prior to the recordation of the final tract map or issuance of occupancy permits for any residential development, as determined by the City Engineer, the Applicant shall complete, to the satisfaction of the City Engineer, those street and intersection improvements identified in the traffic impact analysis or any supplement thereto, provide a bond or other acceptable instruct committing to those improvements, and/or provide a "fair-share" contribution toward the cost of the improvements to the following intersections: (1) Brea Canyon Road at Pathfinder Road; (2) Diamond Bar Boulevard at Pathfinder Road; (3) Brea Canyon Road at Cold Spring Lane; (4) Diamond Bar Boulevard at Cold Spring Lane; (5) Pathfinder Road at Brea Canyon Cutoff; (6) SR-57 SB Ramps at Brea Canyon Cutoff; (7) SR-57 NB Ramps at Brea Canyon Cutoff; (8) Brea Canyon Road at Diamond Bar Boulevard; (9) Crooked Creek or Cherrydale Drive at Diamond Bar Boulevard; (10) Brea Canyon Road at Silver Bullet Drive; (11) Diamond Bar Boulevard at Grand Avenue; and (12) Colima Road at Brea Canyon Cutoff (Mitigation Measure 6-1).	City Engineer	Final Tract Map Recordation or Issuance of Occupancy Permits
4	The final site plan shall include and accommodate those traffic measures, improvements, and such other pertinent factors and/or facilities as may be identified by the City Engineer to ensure the safe and efficient movement of project-related traffic (Mitigation Measure 6-2).	City Engineer	Site Plan Approval
	Air Quality		
5	Site watering shall be conducted a minimum of three times daily during site preparation activities within disturbed areas lacking ground coverage (Mitigation Measure 7-1).	Building Inspector	Construction Term

JANUARY 2012 "SITE D" SPECIFIC PLAN
FINAL MITIGATION REPORTING AND MONITORING PROGRAM

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
	Noise		
6	In accordance with the Development Code, construction shall be restricted to between the hours of 7:00 AM and 8:00 PM on weekdays and Saturdays. No construction shall occur at any time on Sundays or on federal holidays. These days and hours shall also apply any servicing of equipment and to the delivery of construction materials to or from the site (Mitigation Measure 8-1).	Building Inspector	Construction Term
7	All construction equipment shall be properly maintained and tuned to minimize noise emissions (Mitigation Measure 8-2).		
8	All equipment shall be fitted with properly operating mufflers, air intake silencers, and engine shrouds no less effective than originally equipped (Mitigation Measure 8-3).		
9	The construction contractor shall place temporary noise barriers along the site perimeter when doing any work within 100 feet of any existing residential units. Where feasible, such barriers shall attempt to block the line of sight between the residents and construction equipment (Mitigation Measure 8-4).		
10	The construction contractor shall specify the use of electric stationary equipment (e.g., compressors) that can operate off the power grid where feasible. Where infeasible, stationary noise sources (e.g., generators and compressors) shall be located as far from residential receptor locations as is feasible (Mitigation Measure 8-5).	City Engineer	Building Permit Issuance
11	Construction shall be subject to any and all provisions set forth by the City of Diamond Bar Planning Department (Mitigation Measure 8-6).	Planning Manager	
12	No residential units shall be located within 830 feet of the SR-57 Freeway's nearest travel lane unless additional sound attention is provided to the satisfaction of the Community Development Director (Mitigation Measure 8-7).	Community Development Director	Final Tract Map Recordation
13	No residential units shall be located within 130 feet of the centerline of Diamond Bar Boulevard unless additional sound attention is provided to the satisfaction of the Community Development Director (Mitigation Measure 8-8).		
	Cultural Resources		
14	Prior to the issuance of a grading permit, a qualified archaeologist shall be retained by the Applicant and approved by the City to monitor all vegetation removal and ground disturbance to a depth of three feet within the following portions of the study area: (1) the boundary of SD-Cultural-1; (2) the open valley floor adjacent to SD-Cultural-1; and (3) the riparian areas that were not previously surveyed due to dense vegetation cover. The archaeologist will determine if additional monitoring below the depth of three feet is warranted based on soil and bedrock conditions and presence/absence of archaeological materials. No archaeological monitoring is required for ground disturbing activities outside of these monitor areas (Mitigation Measure 11-1)	Community Development Director and City Engineer	Issuance of Grading Permits

	Cultural Resources (Continued)		
15	If cultural resources are identified during monitoring of the ground disturbing activities, the archaeologist shall be allowed to temporarily divert or redirect grading or excavation activities in the vicinity of those resources in order to make an evaluation of the find and determine appropriate treatment. Treatment will include the goals of preservation where practicable and public interpretation of historic and archaeological resources. All cultural resources recovered will be documented on California Department of Parks and Recreation Site Forms to be filed with the CHRIS-SCCIC. The archaeologist shall prepare a final report about the monitoring to be filed with the Applicant, the City, and the California Historical Resources Information System South Central Coastal Information Center at the California State University, Fullerton (CHRIS-SCCIC), as required by the California Office of Historic Preservation. The report shall include documentation and interpretation of resources recovered, if any. Interpretation will include full evaluation of the eligibility of SD-Cultural-1 with respect to the California Register of Historic Places and CEQA. The report shall also include all specialists' reports as appendices. The City shall designate repositories in the event that significant resources are recovered. If cultural resources are identified during ground disturbing activities that occur outside the designated monitoring area, ground disturbing activities shall be temporarily redirected away from the vicinity of the find until the retained archaeologist is notified by the Applicant. The archaeologist shall coordinate with the Applicant as to the immediate treatment of the find until a proper site visit and evaluation is made by the archaeologist (Mitigation Measure 11-2).	Building Inspector	Construction Term
16	If human remains are encountered unexpectedly during construction excavation and grading activities, Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Section 5097.98 of the Public Resources Code. If the remains are determined to be of Native American descent, the County Coroner has 24 hours to notify the California Native American Heritage Commission (NAHC). The NAHC will then identify the person(s) thought to be the Most Likely Descendent of the deceased Native American, who will then help determine what course of action should be taken in dealing with the remains (Mitigation Measure 11-3).		
17	Prior to the issuance of a grading permit, a qualified paleontologist meeting the qualifications established by the Society of Vertebrate Paleontologists shall be retained by the Applicant and approved by the City to develop and implement a paleontological monitoring plan. Development of the monitoring plan shall include a site visit by the paleontologist prior to initiation of project development in order to determine or delineate sensitive areas. The paleontologist may also perform collections of fossils from the surface and near-surface (Mitigation Measure 11-4).	Community Development Director	Issuance of Grading Permits
18	The paleontologist shall attend a pre-grade meeting in order to become familiar with the proposed depths and patterns of grading of the study area (Mitigation Measure 11-5).	City Engineer	
19	The paleontologist shall establish a curation agreement with an accredited facility prior to grading permit issuance (Mitigation Measure 11-6).		

	Cultural Resources (Continued)		
20	A paleontological monitor, supervised by the paleontologist, shall monitor all excavations in the Puente Formation or excavations anticipated to extend into the Puente Formation. If fossils are found during ground-disturbing activities, the paleontological monitor shall be empowered to halt the ground-disturbing activities within 25 feet of the find in order to allow evaluation of the find and determination of appropriate treatment (Mitigation Measure 11-7).	Building Inspector	Construction Term
21	The paleontologist shall prepare a final report on the monitoring. If fossils were identified, the report shall contain an appropriate description of the fossils, treatment, and curation. A copy of the report shall be filed with the City and the Natural History Museum of Los Angeles County and shall accompany any curated fossils (Mitigation Measure 11-8).	Community Development Director	Grading Sign-Off
	Aesthetics		
22	All pole-mounted or wall-mounted luminaires installed for the purpose of illuminating homes, public park areas, private roadways, and driveways shall conform to appropriate lighting standards and demonstrate, to the satisfaction of the City Engineer, that light trespass will not exceed 0.5 horizontal foot candle, as measured at the project boundaries abutting any existing residential use. These standards shall not be applied to any public streets or to any entry feature or other City-oriented signage to be constructed on or adjacent to the project site (Mitigation Measure 12-1).	City Engineer	Building Permit Issuance